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**MATT BLUNT**

**SECRETARY OF STATE**

# MISSOURI REGISTER

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**SECRETARY OF STATE**

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May 1, 2002	June 3, 2002	June 30, 2002	July 30, 2002
May 15, 2002	June 17, 2002	June 30, 2002	July 30, 2002
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December 2, 2002	January 2, 2003	January 29, 2003	February 28, 2003
December 16, 2002	January 16, 2003	January 29, 2003	February 28, 2003
January 2, 2003	February 3, 2003	February 28, 2003	March 30, 2003
January 16, 2003	February 18, 2003	February 28, 2003	March 30, 2003
February 3, 2003	March 3, 2003	March 31, 2003	April 30, 2003
February 18, 2003	March 17, 2003	March 31, 2003	April 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



## **FROM THIS ANGLE ...**

### **August 28<sup>th</sup> update needed?**

Please be sure to double check the effective date of any statute enacted in this legislative session that has an effective date of August 28<sup>th</sup> to see if it will affect your rulemakings in any manner. You may very well need to modify/update/amend/rescind.

Please call or e-mail us at [www.rules@sosmail.state.mo.us](mailto:www.rules@sosmail.state.mo.us) if you need any assistance in this regard.

### **Forms – Our Forms**

Have you visited our new website yet? If not, please go to our homepage at [www.sos.state.mo.us](http://www.sos.state.mo.us). From there you may access “Administrative Rules” homepage where you will see a link to “Forms”. There you will locate the transmittal, fiscal note and affidavit forms which are provided in a downloadable, fillable format for your convenience. We believe that you will find this is a very helpful tool.

### **Have you considered ...**

When updating your rulemakings in any manner, please be sure to check:

- 1) Telephone numbers, area codes, the addition of websites and/or e-mail addresses.
- 2) When inserting a new section number, double check the remaining sections – are they renumbered? Do references to other sections also need to be renumbered within these sections?

These types of changes must be made by the agency that promulgated the rulemaking.

### **Do you really need your forms in your rules?!**

Many agencies are now removing forms from their rulemakings. When removing the forms, most agencies are referring the reader to their website for the most current version of their downloadable, fillable form. This accomplishes two things a. assures your rule and the related forms current; b. eliminates the need to constantly amend your rulemakings in order to keep your forms current.

### **Timelines . . .**

Are you new to the rulemaking process? Are you having difficulty calculating your timelines for filing your rulemakings with JCAR and our office, as well as the effective dates, publication dates, etc? If so, please call us – we will be pleased to sit down with you and assist you in the proper procedure for counting your dates and times. Many agencies do not realize that in some cases “legislative” days are longer period of time than normal days.

The new rulemaking manual contains excellent charts to assist you with your counting . . . however, we are *also* here to assist you in any step of the rulemaking process.

A handwritten signature in cursive script, reading "Lynne C. Angle".

Lynne C. Angle  
Director, Administrative Rules

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

#### PROPOSED AMENDMENT

**3 CSR 10-6.525 Paddlefish.** The commission proposes to amend section (5).

*PURPOSE: This amendment prohibits the possession of extracted paddlefish eggs while on waters of the state or adjacent banks.*

(5) **Extracted paddlefish eggs may not be possessed while on waters of the state or adjacent banks, and may not be transported.** Paddlefish eggs may not be bought, sold, or offered for sale *[or transported]*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed July 2, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

#### PROPOSED AMENDMENT

**3 CSR 10-7.435 Deer: Seasons, Methods, Limits.** The commission proposes to amend subsection (1)(E) and paragraph (3)(A)1.

*PURPOSE: This amendment requires all hunters to wear (fluorescent) orange during the youth-only, November, and antlerless-only portions of firearms deer hunting season, clarifies the exceptions to this requirement and outlines age parameters for the youth-only portion of firearms deer hunting season.*

(1) General Provisions.

(E) During all portions of the firearms deer hunting season, all persons while **deer** hunting or while accompanying a person hunting deer on a Youth Deer and Turkey Hunting Permit shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. **This requirement shall apply to all hunters during the youth-only, November, and antlerless-only portions of the firearms deer hunting season. The following are exceptions to this requirement.**

1. This requirement shall not apply to migratory game bird hunters, to archery deer hunters during the muzzleloader portion, to *[archery]* all hunters during the antlerless-only portion in units 28–32 and 38–57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

(3) Firearms Deer Hunting Season.

(A) The firearms deer hunting season is comprised of four (4) portions:

1. During the youth-only portion (November 2 through November 3, 2002), a Missouri resident who is *[under sixteen (16)]* **at least six (6) but not older than fifteen (15)** years of age and holding a valid firearms deer hunting permit may take one (1) deer of either sex in any unit as provided in this rule. Deer taken during this portion of the firearms deer hunting season must be included in the total firearms deer hunting season limits.

2. During the November portion (November 16 through November 26, 2002), a person holding a firearms deer hunting permit may take deer as provided in this rule.

3. During the muzzleloader portion (December 7 through December 15, 2002), a person holding a firearms deer hunting permit may take deer as provided in this rule. Deer may be taken only with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breach, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit during this portion of the firearms deer hunting season may have and use more than one (1) muzzleloading or cap-and-ball firearm, but may have no other firearm, longbow or crossbow on his/her person.

4. During the antlerless-only portion (December 19 through December 22, 2002), a person holding a firearms deer hunting permit may take only antlerless deer in units 1 through 27, 33 through 37, 58 and 59 as provided in this rule.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed June 30, 1975, effective July 10, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 2, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 13—DEPARTMENT OF SOCIAL SERVICES** **Division 70—Division of Medical Services** **Chapter 20—Pharmacy Program**

#### **PROPOSED RULE**

#### **13 CSR 70-20.320 Pharmacy Reimbursement Allowance**

*PURPOSE: This rule establishes a Pharmacy Federal Reimbursement Allowance and the methodologies to determine the formula for the amount of allowance each pharmacy is required to pay for the privilege of providing outpatient prescription drugs.*

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

##### **(A) Definitions.**

1. Department—Department of Social Services.
2. Director—Director of Department of Social Services.
3. Division—Division of Medical Services.
4. Monthly gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax for fiscal year 2003 will be the prescription sales for calendar year 2001.

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department.

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the tax rate determined by the department.

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

(C) Each pharmacy shall submit an affidavit to the department with the following information:

1. Pharmacy name;
2. Contact;
3. Telephone number;
4. Address;
5. Federal tax ID number;
6. Medicaid pharmacy number (if applicable);
7. Pharmacy sales (total);
8. Medicaid pharmacy sales ; and
9. Number of paid Medicaid prescriptions.

(D) The department shall prepare a confirmation schedule of the information provided by each pharmacy and the amount of PRA that is due from the pharmacy.

(E) Each pharmacy shall review the information prepared by the department and the amount of PRA calculated by the department to verify that the information is correct.

1. If the information supplied by the department is incorrect, the facility, within thirty (30) calendar days of receiving the confirmation schedule must notify the division and explain the correction.

2. If the division does not receive corrected information within thirty (30) calendar days, it will be assumed to be correct, unless the pharmacy files a protest in accordance with subsection (2)(D) of this regulation.

#### **(2) Payment of the PRA.**

##### **(A) Offset.**

1. Each pharmacy may request that its PRA offset against any Missouri Medicaid payment due to that pharmacy.

A. A statement authorizing the offset must be on file with the division before any offset may be made relative to the PRA by the pharmacy.

B. Assessments shall be allocated and deducted over the applicable service period.

C. Any balance due after the offset shall be remitted to the Director of the Department of Revenue and be deposited in the state treasury to the credit of the Pharmacy Reimbursement Allowance Fund.

D. If the remittance is not received before the next Medicaid payment cycle, the division shall offset the balance due from that check.

##### **(B) Check.**

1. If no offset has been authorized by the pharmacy, the division will begin collecting the pharmacy reimbursement allowance on the first day of each month for the preceding months.

2. The PRA shall be remitted by the pharmacy to the department. The remittance shall be made payable to the Director of the Department of Revenue and be deposited in the state treasury to the credit of the Pharmacy Reimbursement Allowance Fund.

(C) Failure to comply with this request for information or failure to pay the PRA.

1. If a pharmacy fails to comply with a request for information from the Division of Medical Services or fails to pay its PRA within thirty (30) days of notice, the PRA shall be delinquent.

2. For any delinquent PRA, the department may:

A. Proceed to enforce the state's lien of the property of the pharmacy;

B. Cancel or refuse to issue, extend or reinstate the Medicaid provider agreement; or



C. Seek denial, suspension or revocation of license granted under Chapter 198, RSMo.

3. The new owner, as a result of a change in ownership, shall have his/her PRA paid by the same method the previous owner elected.

(D) Each pharmacy, upon receiving written notice of the final determination of its PRA, may file a protest with the director of the department setting forth the grounds on which the protest is based, within thirty (30) days from the date of receipt of written notice from the department. The director of the department shall reconsider the determination and, if the pharmacy so requested, grant the pharmacy a hearing to be held within forty-five (45) days after the protest was filed, unless extended by agreement between the pharmacy and the director. The director shall issue a final decision within forty-five (45) days of the completion of the hearing. After a final decision by the director, a pharmacy's appeal of the director's final decision shall be to the Administrative Hearing Commission in accordance with sections 208.156, RSMo 2000 and 621.055, RSMo Supp. 2001.

(E) PRA Rates.

1. The PRA tax rates will be done in bands and will be determined by the ratio of paid Medicaid claims to total prescription sales.

2. The maximum rate shall be six percent (6%).

3. Adjustments will be made to the tax rate if the average Medicaid prescription charge for an individual entity is statistically different than that of the other entities in the assigned tax band.

*AUTHORITY: section 208.201, RSMo 2000. Emergency rule filed June 20, 2002, effective July 1, 2002, expires Feb. 27, 2003. Original rule filed July 15, 2002.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions fifty-nine thousand three hundred thirty-three dollars (\$59,333) in State Fiscal Year 2003.*

*PRIVATE COST: This proposed rule will cost private entities fifty-five million dollars (\$55 million) in State Fiscal Year 2003.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST****RULE NUMBER**

Rule Number and Name:	<b>13 CSR 70-20.320</b>
Type of Rulemaking:	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Department of Social Services</b>	<b>\$59,333 SFY 2003</b>

**III. WORKSHEET**

This cost assumes one FTE and related office expense and equipment.

**IV. ASSUMPTIONS**

This cost assumes one FTE and related office expense and equipment. The responsibilities of the FTE would include, but not limited to coordination and communication of the PRA with the providers, posting checks, and preparation of financial reports related to PRA.

Salary	36,992
Fringe	13,354
Equipment & Expense	8,987
Total	59,333

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-20.320
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>650</b>		<b>\$55 million SFY 2003</b>

**II. WORKSHEET**

The basis of the tax is all gross retail prescription receipts. The estimate of gross retail prescription receipts for fiscal year 2003 is \$2.96 billion dollars. DMS assumed an average tax rate of 1.86% will generate an annual tax revenue of \$55 million dollars.

**IV. ASSUMPTIONS**

The tax rate for each pharmacy will be calculated on "bands" and vary from less than .1% to the federal maximum of 6%. The pharmacy is positioned in a "band" based on its gross retail prescription sales and Medicaid volume. Adjustments will be made to the pharmacy's rate if its individual ratio of the Medicaid volume to gross retail prescription sales is statistically different than the norm for the band.

The tax monies received will be matched with federal matching funds to fund anticipated increases in the pharmacy program.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 35—Dental Program**

**PROPOSED AMENDMENT**

**13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program.** The division is amending sections (1), (4), (7), (8), and (9), and deleting the forms that follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment changes the adult dental benefits and limitations of the Missouri Medicaid program to reflect the provisions of the State Fiscal Year 2003 budget as passed by the 91st General Assembly and signed by the governor.*

(1) Administration. The Missouri Medicaid dental program shall be administered by the Division of Medical Services, Department of Social Services. The dental services covered and not covered, the limitations under which services are covered and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be made available through the Department of Social Services, Division of Medical Services website at [www.dss.state.mo.us/dms](http://www.dss.state.mo.us/dms), provider bulletins, and updates to the provider manual. Dental services covered by the Missouri Medicaid program shall include only those which are clearly shown to be medically necessary. The division reserves the right to effect changes in services, limitations and fees with proper notification to Medicaid dental providers.

(4) Prior Authorization. Prior authorization shall be required in the following [two (2)] case/s: a) initial placement or replacement of all full dentures (upper, lower or both) [and b) placement or replacement of all partial dentures]. When prior authorization is required, the form provided by the Division of Medical Services or its contracted agent shall be used. The dental service shall not be started until written approval has been received. Telephone approval shall not be given. Prior authorization shall be effective for a period of one hundred twenty (120) days from the date of written approval. Prior authorization approves the medical necessity of the requested dental service. It shall not guarantee payment for that service as the patient must be a Medicaid-eligible recipient on the date the service is performed. The division reserves the right to request documentation regarding any specific request for prior authorization.

(7) Dental Certification. A dental certification form as provided by the Division of Medical Services or its contracted agent shall be completed in the case of any denture, partial or full, except for those flipper-type partials identified in the Dental Services Provider Manual. This completed form shall be attached to the claim and the request for prior authorization.

(8) Dental Manual. A Medicaid Dental Manual shall be produced by the Division of Medical Services and [shall be distributed to all dental providers participating in the Missouri Medicaid program. It shall contain a list of covered and noncovered services, the limitations under which services are covered and other pertinent data to supplement this rule. The Health Care Financing Administration's Common Procedure Coding System (HCPCS) Level 1, 2 or 3 procedure codes, which includes a modification of the American Dental Association's (ADA) Code on Dental Procedures and Nomenclature shall be used in the manual.] made available through the Department of Social Services, Division of Medical Services website at [www.dss.state.mo.us/dms](http://www.dss.state.mo.us/dms), provider bulletins, and updates to the provider manual. Maximum allowable fees by the Missouri Medicaid Dental Program shall be [published in] made available through the Department of Social Services, Division of Medical

Services website at [www.dss.state.mo.us/dms](http://www.dss.state.mo.us/dms), provider manuals and bulletins.

(9) Services, Covered and Noncovered. The list shown in this section represents the groupings of medically necessary services covered by the Missouri Medicaid program. **Only dentures and treatment of trauma to the mouth or teeth as a result of injury are covered dental services for Medicaid-eligible adults.** The *Medicaid Dental Manual* shall provide the detailed listing of procedure codes and pricing information.

[(A) Anesthesia. General anesthesia administered in the office is a covered service. General anesthesia administered in the hospital for dental care is payable to the hospital. Local anesthesia is not paid under a separate procedure code and is included in the treatment fee. Nitrous oxide is not covered;

(B) Crowns, Bridges, Inlays. A crown of chrome or stainless steel is a covered item. A crown of polycarbonate material is a covered item for an anterior tooth. Crowns of other materials are not covered. Cast restorations indicated by an early periodic screening diagnosis and treatment (EPSDT) screen are covered;]

[(C)] (A) Full Dentures. One (1) upper full denture, one (1) lower full denture, or one (1) complete set (upper and lower) of full dentures is covered. A full denture must be constructed of acrylic material and must meet the following criteria: full arch impression, bite registration, each tooth set individually in wax, try-in of teeth set individually in wax before denture processing, insertion of the processed denture and six (6)-month follow-up adjustments, to be a covered item. Service in the case of any full denture is not completed and shall not be claimed until the denture is placed. Noncovered items include temporary full dentures, full overdentures and immediate placement full dentures;

[(D) Partial Dentures. A partial denture shall replace permanent teeth and must be constructed of acrylic material to be a covered item. Service in the case of any partial denture is not completed and shall not be claimed until the denture is placed. Noncovered items include temporary partial dentures and partial overdentures. Immediate placement partial dentures are noncovered except for those flipper-type partials identified in the Dental Services Provider Manual under procedure codes D5820, D5820W5, D5820W6, D5820W9, D5821, D5821W5, D5821W6, D5821W9;

(E) Denture Adjustment and Repair. Denture adjustment is a covered service but not to the originating dentist of a new denture until six (6) months after the denture is placed. Repair of a broken denture may be accomplished on the same date of service as denture duplication or relining;

(F) Denture Duplication and Relining. Duplication of a partial or full denture is a covered service. Relining of a partial or full denture, either chair-side or laboratory, is covered. Duplications and relines are not covered within twelve (12) months of initial placement of an original denture. Additional denture relines or duplications are limited to once within three (3) years from the date of the last preceding relining or duplication. Denture duplication or relining may be accomplished on the same date of service as repair of a broken denture;]

[(G)] (B) Emergency Treatment. Emergency dental care does not require prior authorization and is covered whether performed by a licensed dentist or a licensed dentist specialist. Emergency care is provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention reasonably could be expected to result in—placing the patient's health in serious jeopardy or serious impairment of bodily functions or serious dysfunction of any bodily organ or part. Emergency care not listed in the *Medicaid Dental Manual* shall be explained on the claim. An emergency oral

examination is not paid under a separate procedure code and is included in the treatment fee. Palliative treatment on the same date of service as other dental care on the same tooth is not covered. Denture dental services are not [subject to] **considered** emergency treatment [consideration]; and

[(H) *Examinations, Visits, Consultations.* An initial oral examination in the office is covered. Subsequent office medical services are covered. A professional visit to a nursing home is covered and shall include the fee for an oral examination. A professional visit to a hospital is covered and shall include the fee for an oral examination. A consultation by a dentist is a covered service and shall include the fee for an oral examination;

[(I) *Extractions.* Extraction fees for permanent and deciduous teeth, as listed in the Medicaid Dental Manual, apply whether the service is performed in the office, hospital or ambulatory surgical center. Preoperative X rays involving extractions may be covered but postoperative X rays are not covered;

[(J) *Preventive Treatment.* Fluoride treatment may be covered but is limited to the application of stannous fluoride or acid phosphate fluoride. Sodium fluoride treatments are not covered. Fluoride treatment shall include both the upper and lower arch and shall be a separate service from prophylaxis. Fluoride treatment for recipients under age twenty-one (21) is covered. Fluoride treatment for recipients age twenty-one (21) and over is limited to individuals with rampant caries, or those who are undergoing radiation therapy to head and neck, or those with diminished salivary flow, or individuals who are mentally retarded or have cemental or root surface caries secondary to gingival recession. For recipients ages five through twenty (5–20), topical application of sealants as outlined in Section 19 of the Medicaid Dental Manual is covered. Dietary planning, oral hygiene instruction and training in preventive dental care are not covered;]

[(K)] (C) *Hospital Dental Care.* Dental services provided in an inpatient hospital or an outpatient hospital place of service are subject to the same general benefits and limitations applicable to all dental services and all are not selectively restricted based on place of service[;].

[(L) *Injections.* Procedure codes for the injections which are covered shall be shown in Section 19 of the Dental Manual;

[(M) *Oral Surgery (or Other Qualified Dentist Specialist).* Oral surgery is limited to medically necessary care. Cosmetic oral surgeries shall not be paid. Procedures as covered for a certified oral surgeon (or other qualified dentist specialist) shall be indicated in the Medicaid Dental Manual. A medically necessary oral surgery procedure not specifically listed in the Medicaid Dental Manual may be billed using the procedure code identified in the dental manual as Unspecified. The Unspecified procedure must be explained on the claim form.

[(N) *Orthodontic Treatment/Space Management Therapy.* Medically necessary minor orthodontic appliances for interceptive and oral development as listed in the Medicaid Dental Manual are covered. Fixed space maintainers are covered for the premature loss of deciduous teeth. Medically necessary orthodontic treatment and space maintainers for recipients under age twenty-one (21) is covered when indicated by an EPSDT screen and prior authorized;

[(O) *Periodontic Treatment.* A gingivectomy or gingivoplasty is allowed for epileptic patients on Dilantin therapy, or medically necessary drug-induced hyperplasia. Limited occlusal adjustment is covered when it is necessary as emergency treatment. Other periodontic procedures are not covered;

[(P) *Prophylaxis (Preventive).* Prophylaxis may be a covered service for the upper arch, the lower arch or both arches. Prophylaxis shall be a separate service from fluoride treatment and shall include scaling and polishing of the teeth;

[(Q) *Pulp Treatment (Endodontic).* A pulpotomy on deciduous teeth is covered and shall include complete amputation of the vital coronal nerve, with placement of a suitable drug over the remaining exposed tissue. The fee excludes final restoration. Pulp vitality tests and pulp caps are not covered;

[(R) *Restorations (Fillings).* Fees for any restorative care listed in the Medicaid Dental Manual apply whether the service is performed in the office, hospital, ambulatory surgical center or nursing facility. Amalgam fillings are covered for Class I, Class II and Class V restorations on posterior teeth. A maximum fee shall apply for any one (1) posterior tooth and shall include polishing, local anesthesia and treatment base. Silicate cement, acrylic or composite fillings are not covered for Class I and Class II restorations but are covered for Class III, Class IV and Class V restorations on anterior teeth. A maximum fee shall apply for any one (1) anterior tooth and shall include polishing, local anesthesia and treatment base. Fillings of other materials are not covered, except when a sedative filling is necessary as emergency treatment. X rays may be covered;

[(S) *Root Canal Therapy (Endodontic).* Root canal therapy is a covered service for permanent teeth. The fee excludes final restoration but includes all in treatment X rays. Pre-operative and postoperative X rays may be reimbursed. An apicoectomy is a covered service for permanent teeth but not on the same day as a root canal. Excluding a pulpotomy, other endodontic procedures are not covered; and

[(T) *X rays.* X rays shall not be submitted routinely with a request for prior authorization or with a claim, unless the practitioner shall have been specifically requested to submit X rays. X rays shall be taken at the discretion of the dental practitioner. Films which are not of diagnostic value shall not be claimed. X rays to be covered shall be of the intraoral type, except when a panoramic-type film is required. A pre-operative full-mouth X-ray survey of permanent or deciduous teeth, or mixed dentition, is covered as described in the Medicaid Dental Manual. Medically necessary X rays of an edentulous mouth are covered.]

*AUTHORITY:* sections 208.152, [RSMo Supp. 1990,] 208.153[, RSMo Supp. 1991] and 208.201, RSMo [Supp. 1987] 2000. This rule was previously filed as 13 CSR 40-81.040. Original rule filed Jan. 21, 1964, effective Jan. 31, 1964. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 27, 2002, effective July 7, 2002, expires Feb. 27, 2003. Amended: Filed July 15, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—Division of Medical Services**  
**Chapter 40—Optical Program**

**PROPOSED AMENDMENT**

**13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid Program.** The division is amending sections (1), (4), (5), (6), (7), and (8).

*PURPOSE: This amendment changes optical services offered for adults by providing that eyeglasses will no longer be covered for adults, except one pair following cataract surgery.*

(1) Administration. The Optical Care program shall be administered by the Division of *[Family]* Medical Services, Department of Social Services. The optical care services covered and not covered, the program limitations and the maximum allowable fees for all covered services shall be determined by the Division of *[Family]* Medical Services and shall be made available through the Department of Social Services, Division of Medical Services website at [www.dss.state.mo.us/dms](http://www.dss.state.mo.us/dms), provider bulletins, and updates to the provider manual. Services covered shall include only those which are clearly shown to be medically necessary.

(4) Types of Service Reimbursed by Medicaid for Each Profession.

(A) Optometrist or Optometric Clinic.

1. Eye examinations.
2. Eyeglasses for adults, only following cataract surgery.
3. Artificial eyes.
4. Special ophthalmological services.

(B) Opticians or Optical Dispensers.

1. Eyeglasses for adults, only following cataract surgery.
2. Artificial eyes.

(D) Physicians (MD or DO).

1. Eye examinations.
2. Eyeglasses for adults, only following cataract surgery.
3. Artificial eyes.
4. Special ophthalmological services.

(6) Covered Services.

(C) Glasses (frames and lenses, under 4.00 diopters for adults, only following cataract surgery).

*[(D)] Frames.*

*[(E)] Temple.*

*[(F)] Lenses, single vision.*

*[(G)] Lenses, bifocal, Kryptok.*

*[(H)] Lenses, bifocal, Flat top.*

*[(I)] Lenses, bifocal, Executive.*

*[(J)] Lenses, trifocal.]*

*[(K)] (D) Lenses, cataract.*

*[(L)] (E) Special frames (prior authorization required).*

*[(M)] (F) Special lens (medical necessity required).*

*[(N)] (G) Miscellaneous repairs (medical necessity required).*

*[(O)] (H) Scleral shell, stock or custom.*

*[(P)] (I) Artificial eye, stock or custom.*

*[(Q)] (J) Artificial eye, refitting.*

*[(R)] (K) Artificial eye prosthesis check/polishing/cleaning.*

*[(S)] (L) Rose I and Rose II tints (medical necessity required).*

*[(T)] (M) Photochromatic (prior authorization required).*

*[(U)] (N) Orthoptic and/or pleoptic training, with continuing optometric direction and evaluation (visual therapy/training) (prior authorization required).*

*[(V)] (O) Fitting of contact lens for treatment of disease, including supply of lens (therapeutic bandage lens) (medical necessity required).*

*[(W)] (P) Visual field examination with optometric diagnostic evaluation; tangent screen, Autoplot or equivalent (prior authorization required).*

*[(X)] (Q) Electro-oculography, with medical diagnostic evaluation (prior authorization required).*

*[(Y)] (R) Visually evoked potential (response) study, with medical diagnostic evaluation (prior authorization required).*

*[(Z)] (S) Quantitative perimetry, for example, several isopters on Goldmann perimeter or equivalent (prior authorization required).*

*[(AA)] (T) Static and kinetic perimetry or equivalent.*

*[(BB)] (U) Serial tonometry with optometric diagnostic evaluation (separate procedure), one (1) or more sessions, same day.*

*[(CC)] (V) Tonography with optometric diagnostic evaluation, recording indentation tonometer method or perilimbal suction method.*

*[(DD)] (W) Color vision examination, extended, for example, anomaloscope or equivalent.*

*[(EE)] (X) Dark adaptation examination, with optometric diagnostic evaluation.*

(7) Program Limitations.

*[(D)] Eyeglasses are covered by Medicaid when the prescription is at least 0.75 diopters for one (1) eye or 0.75 diopters for each eye.*

*[(E)] Only one (1) pair of eyeglasses is allowed every two (2) years (within any twenty-four (24)-month period of time) for all Medicaid recipients regardless of age.*

*[(F)] All claims for eyeglasses or lenses must contain the prescription and the name of the prescribing physician (MD or DO) or optometrist (OD).*

*[(G)] The original eyeglass prescription and laboratory invoices listing costs for optical materials, lenses and/or frames provided; and the charge for grinding, edging or assembling of glasses must be kept on file by the provider for five (5) years and furnished to DOSS upon request.*

*[(H)] Special frames are covered under the Missouri Medicaid program if they are required for medical reasons and are prior authorized by DOSS. Special frames may be authorized if the patient requires special lenses (over 4.00 diopters for one (1) eye or over 4.00 diopters for each eye and are extra thick or heavy), the structure of the patient's face requires special frames (a very large face, wide-set eyes) or the patient needs glasses with pads because of nose surgery. The Prior Authorization Request Form must be completed and signed by the prescribing physician or optometrist.*

*[(I)] Special lenses are covered under the Missouri Medicaid program if they are medically justified and the prescription is plus or minus 4.00 diopters for one (1) eye or 4.00 diopters for each eye, cataract lenses or special bifocal lenses (for example, plastic Executive lenses). A Medical Necessity Form stating the reason special lenses are required must be completed and signed by the prescribing physician or optometrist and attached to the claim form.*

*[(J)] Plastic lenses may be dispensed under the Missouri Medicaid program. Reimbursement will be at the same rate as comparable glass lenses. Additional payment will be allowed for plastic lenses that meet the definition of special lenses and are medically justified.*

*[(K)] Photochromatic lenses are covered only if medically necessary and prior authorized by the DOSS Medical Consultant. The Prior Authorization Request Form must be completed and signed by the prescribing physician or Optometrist.*

*[(L)] Tinted lenses (Rose I and Rose II) are covered if medically necessary. A Medical Necessity Form completed and signed by the prescribing physician or optometrist must be attached to the claim form for the glasses.*

*[(M)] Replacement of optical materials and repairs in excess of program limitations may be covered if medically necessary or required for employment training, or educational purposes as follows:*

1. *Replacement of complete eyeglasses (frames and lenses)—Prior authorization required.*

A. *Lenses and frames broken (recipient must show provider the broken glasses or Medicaid will not pay for the glasses).*

B. *Lost.*

C. *Destroyed.*

D. *Stolen.*

E. *Repair of existing glasses would exceed the Medicaid allowable amount for new frames and lenses;*

2. *Lenses—Medical Necessity Form required.*

A. *Scratched.*

B. *Broken.*

C. *Prescription change or at least 0.50 diopters or greater (old and new prescription must appear on the Medical Necessity and claim forms); or*

3. *Frames—Prior authorization required. Temples, fronts or both broken and repair would exceed the Medicaid allowable amount for new frames.*

(N) *Repair of frames or replacement of parts of frames (temples) are covered as follows (Medical Necessity Form required):*

1. *The cost of the repairs do not exceed the Medicaid allowable amount for new frames; and*

2. *Repair would provide a serviceable frame for the recipient.*

(O) *Temples may never be billed in addition to complete new eyeglasses and new frames.]*

[(P)] (D) *Prior authorization is required for all optical services for Missouri Medicaid recipients residing in a nursing home, boarding home or domiciliary home when the service is provided in the nursing home. The provider must submit a Prior Authorization Request Form to DOSS before the service is provided in order for Medicaid payment to be made.*

[(Q)] (E) *An eye refraction is included in the reimbursement for a comprehensive or limited eye examination. Because the eye refraction is not covered by Medicare but is covered by Medicaid, providers may bill Medicaid for an eye refraction when the patient has Medicare and Medicaid coverage.*

[(R)] (F) *Eyeglasses may be covered by Medicaid for [a prescription of less than 0.75 diopters if medically necessary] adults following cataract surgery. [A Medical Necessity Form must be completed by the prescribing physician or optometrist and attached to the claim form. Eyeglasses less than 0.75 diopters will be approved for the following reasons:*

1. *Child under age eighteen (18) who requires glasses for school performances;*

2. *Visual acuity 20/40 or less; or*

3. *Protective eyewear for persons with sight in only one (1) eye.]*

[(S)] (G) *Any warranties extended by optical companies for optical materials to private-pay patients must also apply to those same materials dispensed to Medicaid recipients.*

[(T)] (H) *Medicaid allows one (1) artificial eye per eye (one (1) left and one (1) right) within a five (5)-year period. If the artificial eye is lost, destroyed, cracked or deteriorated, payment will be allowed for replacement if a Medical Necessity Form is completed and attached to the claim.*

[(U)] (I) *Optometrist may be reimbursed for visual therapy training when there is a prognosis for substantial improvement or correction of an ocular or vision condition. These conditions include amblyopia, eccentric (nonfoveal) monocular fixation, suppression, inadequate motor or sensory fusion and strabismus (squint). Orthoptic and pleoptic training must be prior authorized by the DOSS Optometric Consultant. The number of training sessions are limited to one (1) per day, two (2) per week and a maximum of twenty (20) sessions may be requested on the Prior Authorization Request Form. If the patient shows significant improvement after the initial*

twenty (20) sessions and the optometrist feels that further progress could be made, DOSS may grant prior authorization for additional training sessions not to exceed a total of forty (40) sessions.

[(V)] (J) *Fitting of contact lens for treatment of disease, including supply of lens (therapeutic bandage lens) is covered if it is prescribed by a physician, (MD or DO), as a bandage to cover a diseased condition of the eye, such as a bandage over an abrasion of the skin. The lens must be plain with no corrective power. Diagnosis for which the lens should be reimbursed are Bullous Keratopathy, Corneal Ulcers, Ocular Pemphigoid and other corneal exposure problems. A Medical Necessity Form completed and signed by the prescribing physician must be attached to the claim form.*

[(W)] (K) *Visual field examination with optometric diagnosis evaluation, tangent screen, Autoplot or equivalent, are covered when performed by an optometrist and prior authorized by DOSS. The following criteria will be considered in granting prior authorization:*

1. *Elevated intraocular pressure;*

2. *Best corrected visual acuity of 20/40 or less in either eye;*

3. *Headaches not attributed to refractive error; and*

4. *Reduction of confrontation fields.*

[(X)] (L) *Quantitative perimetry, for example, several isopters on Goldmann perimeter, or equivalent is covered.*

[(Y)] (M) *Serial tonometry with optometric diagnostic evaluation (separate procedure), one (1) or more sessions on the same day is covered when performed by an optometrist. Routine tonometry is included in the reimbursement for a comprehensive examination and cannot be billed separately.*

(8) *Noncovered Services.*

(W) *Eyeglasses for adults, except one (1) pair following cataract surgery.*

*AUTHORITY: sections [207.020] 208.152, 208.153 and 208.201, RSMo [1986] 2000. This rule was previously filed as 13 CSR 40-81.170. Emergency rule filed April 10, 1981, effective April 20, 1981, expired July 10, 1981. Original rule filed April 10, 1981, effective July 11, 1981. Emergency amendment filed June 27, 2002, effective July 7, 2002, expires Feb. 27, 2003. Amended: Filed July 15, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 100—Division of Consumer Affairs**

#### **Chapter 1—Improper or Unfair**

#### **Claims Settlement Practices**

### **PROPOSED AMENDMENT**

**20 CSR 100-1.010 Definitions.** The department is amending section (1) of this rule.

*PURPOSE: This amendment changes the term “agent” to “insurance producer” or “producer.”*

(1) Definitions. As used in the Unfair Claims Settlement Practices Act at sections 375.1000 to 375.1018, RSMo and in the regulations promulgated pursuant thereto—

(A) *[Agent]* **insurance producer or producer** means any individual, corporation, association, partnership or other legal entity authorized to represent an insurer with respect to a claim;

(G) Notification of claim means any notification, whether in writing or by other means acceptable under the terms of an insurance policy to an insurer or its *[agent]* **insurance producer**, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim;

*AUTHORITY:* section 374.045, RSMo [Supp. 1997] 2000. This rule was previously filed as 4 CSR 190-10.060(1). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS:* If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 100—Division of Consumer Affairs**

#### **Chapter 1—Improper or Unfair Claims Settlement Practices**

#### **PROPOSED AMENDMENT**

**20 CSR 100-1.020 Misrepresentation of Policy Provisions.** The department is amending section (2) of this rule.

*PURPOSE:* This amendment changes the term “agent” to “insurance producer.”

(2) No *[agent]* **insurance producer** shall conceal from any first-party claimant the benefits, coverages or other provisions of any insurance policy when these benefits, coverages or other provisions are pertinent to a claim.

*AUTHORITY:* section 374.045, RSMo [Supp. 1996] 2000. This rule was previously filed as 4 CSR 190-10.060(3). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS:* If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 100—Division of Consumer Affairs**

#### **Chapter 1—Improper or Unfair Claims Settlement Practices**

#### **PROPOSED AMENDMENT**

**20 CSR 100-1.200 Claims Practices When Retrospective Premiums Paid.** The department is amending provisions of this rule.

*PURPOSE:* This amendment changes the term “agent” to “insurance producer.”

No insurer, *[agent]* **insurance producer** or representative shall permit or allow a policyholder, whether corporate or individual, to engage in the settlement of third-party liability claims against that policyholder’s liability coverage on behalf of the insurer when premiums payable for third-party liability coverage are calculated or are to be modified on the basis of third-party liability losses, loss payments or settlement expenses.

*AUTHORITY:* section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-10.055. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS:* If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.



**Title 20—DEPARTMENT OF INSURANCE**  
**Division 200—Financial Examination**  
**Chapter 1—Financial Solvency and Accounting Standards**

**PROPOSED AMENDMENT**

**20 CSR 200-1.010 Financial Condition of Insurance Companies.** The department is amending subsection (2)(N) of this rule.

*PURPOSE:* This amendment changes the terms “agent” and “agency” to “insurance producer.”

(2) An insurer may require additional scrutiny when one (1) or more of the following conditions are found to exist by the director of the Department of Insurance:

(N) One (1) *agent or agency* **insurance producer** produces a material amount of the gross written premiums of an insurer;

*AUTHORITY:* section 374.045, RSMo [Supp. 1993] 2000. This rule was previously filed as 4 CSR 190-II.005. Original rule filed Aug. 1, 1990, effective Dec. 31, 1990. Amended: Filed July 2, 1991, effective Dec. 31, 1991. Amended: Filed April 29, 1992, effective Dec. 3, 1992. Amended: Filed July 12, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS:* If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 200—Financial Examination**  
**Chapter 2—Reinsurance and Assumptions**

**PROPOSED AMENDMENT**

**20 CSR 200-2.700 Reinsurance Mirror Image Rule.** The department is amending sections (2) and (3) of this rule.

*PURPOSE:* This amendment effectuates or aids in the interpretation of a law related to the business of insurance, section 375.246.5, RSMo.

(2) Mirror Image, Proof.

(B) In order to receive any credit for reinsurance ceded, the ceding insurer must be able to show to the satisfaction of the director of the Department of Insurance, the liability amount established by the assuming insurer with respect to this reinsurance. This showing may be made by any proof deemed reasonable by the director, but this proof must, at a minimum, consist of *[the audited and actuarial-ly certified financial statements of the assuming insurer.*

*These financial statements of the assuming insurer must be provided to the director before June 15 of each year. Failure to provide these financial statements shall result in disallowance of any credit taken by the ceding insurer.] a report obtained by the ceding insurer from the assuming insurer as to the total unearned premium reserve or reserve liability held by it and by all retrocessionaires or by the assuming insurer and from each of the retrocessionaires with respect to the net unearned premium reserve or reserve liability held by each of them. Each such report shall be:*

1. In writing, signed by an officer of the assuming insurer or the retrocessionaire providing it and obtained by the ceding insurer prior to the filing date of the ceding insurer's annual and quarterly statement; and

2. Maintained by the ceding insurer for three (3) years or until the conclusion of the next regular examination conducted by this state's insurance department, whichever is later. If the *[financial statements]* proof provided fails to meet the standards of subsection (2)(A) of this rule, the ceding insurer will be required to amend its financial statements by making adjustments to its credits for reinsurance as provided in subsections (2)(A) and (C) of this rule and subsections (3)(A) and (D).

(D) Notwithstanding the provisions of this rule, credit taken by a ceding insurer for reinsurance ceded shall not exceed the amount of the reserve the ceding insurer would have set up if it had retained the business.

(3) A ceding insurer shall not be required to comply with section (2), if and only if the ceding insurer can meet one (1) of the following exceptions:

(B) The assuming insurer is organized under or entered through the laws of and regulated by a state or territory which is accredited by the National Association of Insurance Commissioners (NAIC) under the NAIC's financial accreditation standards review program. This exception applies to subsections (2)(A)-(C); or

(C) The credit taken by the ceding insurer does not exceed all funds actually paid to the assuming insurer with respect to the reinsurance of the liability amount against which the credit was taken. This exception applies to *[all]* subsections (A)-(C) of section (2); or

(D) The difference between 1) the insurer's unearned premium or reserve liability carried together by both the ceding and assuming insurers, and 2) the liability which would have been carried by the ceding insurer had it not reinsured the risk, reflects reasonable differences in reported in-force volumes due to timing differences in reporting between ceding and assuming insurers. The sum of all such differences may not exceed one-half of one percent (0.5%) of the ceding insurer's admitted assets as of December 31 next preceding in order for this exception to apply. This exception applies only to subsection (2)(A) of this rule.; or

(E) The assuming insurer provides security, consisting of cash or securities held in trust, to the ceding insurer in an amount not less than the amount of the credit taken by the ceding insurer, provided that:

1. The security and the holder thereof meet the standards of subsections 2 and 3 of section 375.246, RSMo;

2. The qualified United States financial institution that serves as trustee of the cash or securities held in trust, is not an “affiliate” (as that term is defined in section 382.010(1), RSMo) of the assuming insurer or of the ceding insurer;

3. If the amount of such security is less than the credit taken by the ceding insurer, then this credit taken will be disallowed to the extent it exceeds the amount of the security; and

4. The exception created by this subsection applies to subsections (A)-(C) of section (2).

*AUTHORITY:* section 374.045, RSMo [Supp. 1993] 2000. Original rule filed Aug. 20, 1993, effective May 9, 1994. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 3—Insurance Taxes Other than Surplus Lines**

**PROPOSED RULE**

**20 CSR 200-3.300 Retaliatory Tax Supplement Filing**

**PURPOSE:** The purpose of this rule is to effectuate or aid in the interpretation of section 375.916, RSMo, as that section relates to fees charged for the appointment and termination of appointment of insurance producers.

(1) On or before February 10 of each year, each foreign insurer authorized to transact the business of insurance in this state shall file a statement with the director that contains the following information with respect to the year ended December 31 immediately preceding:

(A) The total number of insurance producers appointed by the insurer who are authorized to sell, solicit or negotiate contracts of insurance in this state on behalf of the insurer as of January 1 of such year; and

(B) The number of insurance producers added during such year to the register required by section 375.022, RSMo; and

(C) The number of insurance producers terminated during such year from such register; and

(D) The total number of insurance producers appointed by the insurer as of December 31 of such year (such number shall equal the sum of subsections (A) and (B) less subsection (C) of this section); and

(E) A schedule of fees charged by the insurer's state or country of domicile for the appointment, termination, or renewal of appointment of insurance producers.

**AUTHORITY:** section 374.045, RSMo 2000. Original rule filed July 12, 2002.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rule at 10:00

a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rule, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 6—Surplus Lines**

**PROPOSED AMENDMENT**

**20 CSR 200-6.100 Surplus Lines Insurance Forms.** The department is amending section (1) and Appendix 1, and reprinting Appendix 3 that follows this rule in the *Code of State Regulations*.

**PURPOSE:** This amendment changes the terms "broker" and "producing broker" to "producer," and the term "surplus licensee" to "surplus lines licensee."

(1) Forms.

(A) Appendix 1 of this rule, **included herein**, is the form prescribed by the director for the confidential written report required by section 384.031, RSMo.

(B) Appendix 3 of this rule, **included herein**, is the form prescribed by the director for the annual report required by section 384.057, RSMo.

APPENDIX 1

MISSOURI DEPARTMENT OF INSURANCE SURPLUS LINES FILING

STATE OF MISSOURI—DEPARTMENT OF INSURANCE  
P.O. BOX 690, JEFFERSON CITY, MO 65102

(SUBMIT IN DUPLICATE)

RISK # \_\_\_\_\_

\_\_\_\_\_  
%  
SURPLUS LINE INSURER AND SURPLUS LINES LICENSEE  
% OF PARTICIPATION

\_\_\_\_\_  
%  
SURPLUS LINE INSURER AND [PRODUCING BROKER] PRODUCER  
% OF PARTICIPATION

1. NAME AND ADDRESS OF INSURED: \_\_\_\_\_

2. COMPLETE DESCRIPTION OF RISK AND ITS LOCATION: \_\_\_\_\_

3. COMPLETE DESCRIPTION OF COVERAGE (no abbreviation): \_\_\_\_\_

4. SPECIFIC REASON FOR SURPLUS LINES PLACEMENT: \_\_\_\_\_

5. IF MULTI-STATE RISK, ALLOCATION BASIS MUST BE ATTACHED.

6. POLICY NUMBER \_\_\_\_\_ DATE EFFECTIVE \_\_\_\_\_

DATE TERMINATES \_\_\_\_\_ PREMIUM EFFECTIVE \_\_\_\_\_

(If multi-state coverage, attach tax allocation basis)

7. IF NOT A DIRECT PLACEMENT WITH SURPLUS LINES INSURER(S), NAME AND ADDRESS OF AMERICAN BROKERAGE FIRM OF LLOYD'S CORRESPONDENT:

\_\_\_\_\_  
NAME ADDRESS

\*\*\*\*\*

THIS PORTION TO BE USED FOR AMENDED FILINGS ONLY

(Fill in above: RISK #, SURPLUS LINES LICENSEE'S NAME and NAME AND ADDRESS OF INSURED)

THE FOLLOWING INFORMATION IS HEREBY MADE A PART OF THE ABOVE NUMBERED ORIGINAL FILING

ADDITIONAL PREMIUM \_\_\_\_\_ DATE EFFECTIVE \_\_\_\_\_

RETURN PREMIUM \_\_\_\_\_ DATE EFFECTIVE \_\_\_\_\_

ADDITIONAL INFORMATION NOT SUBMITTED ON ORIGINAL FILING: \_\_\_\_\_

\*\*\*\*\*

I DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THE ABOVE IS A TRUE AND ACCURATE RECORD OF THE SURPLUS LINES INSURANCE PROCURED PURSUANT TO CHAPTER 384, RSMO \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF INSURANCE SURPLUS LINES LICENSEE'S [BROKER'S] PRODUCER'S

SIGNATURE

FILED: \_\_\_\_\_

THIS FORM IS DUE WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF COVERAGE.

APPENDIX 3  
SURPLUS LINES LICENSEE'S TAX REPORT  
STATE OF MISSOURI--DEPARTMENT OF INSURANCE  
P.O. BOX 690, JEFFERSON CITY, MO 65102

UNDER PROVISIONS OF THE MISSOURI SURPLUS LINES LAW, CHAPTER 384, RSMo, THIS REPORT IS FOR THE TWELVE (12)-MONTH PERIOD ENDING \_\_\_\_\_, \_\_\_\_\_ FOR THE INSURANCE PLACED IN COMPANIES NOT ADMITTED TO DO BUSINESS IN THE STATE OF MISSOURI. THIS REPORT MUST BE MADE BEFORE MARCH 2 OF THE YEAR NEXT SUCCEEDING THE YEAR IN WHICH THE INSURANCE WAS SO PROCURED.

NAME \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE)

ADDRESS \_\_\_\_\_  
(STREET) (CITY) (STATE) (ZIP CODE)

			PREMIUM	
RISK NUMBER	NAME AND ADDRESS OF INSURED		DEBIT	CREDIT

Total Debits  
Less Credits  
**NET PREMIUMS**

TAX DUE ON NET PREMIUMS (5%) \$

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) SS.

BEING DULY SWORN UPON HIS OATH ACCORDING TO LAW STATES THAT THE  
 FOREGOING REPORT(S) IS TRUE ACCORDING TO HIS BEST KNOWLEDGE AND BELIEF.

SURPLUS LINES LICENSEE'S SIGNATURE \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

MY TERM EXPIRES \_\_\_\_\_

(NOTARY PUBLIC)

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-10.103. Original rule filed May 4, 1987, effective Aug. 1, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 6—Surplus Lines**

**PROPOSED AMENDMENT**

**20 CSR 200-6.300 Surplus Lines Insurance Fees and Taxes.** The department is amending sections (2) and (4) of this rule.

**PURPOSE:** This amendment changes the term “broker” to “insurance producer.”

(2) The fees may include, but are not limited to, policy fees, inspection fees, fees charged by [a broker] **an insurance producer** acting as a managing general agent for a surplus lines insurer or any other fee charged by surplus lines insurer for the placement of surplus lines insurance.

(4) Fees paid by an insured to [a broker] **an insurance producer** and retained by [a broker] **an insurance producer** pursuant to [a broker] **an insurance producer** service agreement as permitted by 20 CSR 700-1.100 shall not be considered premium for purposes of the premium tax imposed by sections 384.051 and 384.059, RSMo.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-10.105. Original rule filed Jan. 17, 1990, effective June 11, 1990. Amended: Filed Sept. 24, 1991, effective Feb. 6, 1992. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be

held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 6—Surplus Lines**

**PROPOSED AMENDMENT**

**20 CSR 200-6.500 Standards for Determining the Availability of Coverage.** The department is amending section (1) of this rule.

**PURPOSE:** This amendment changes the terms “agent” and “broker” to the term “insurance producer.”

(1) For purposes of section 384.017, RSMo, an available market shall be deemed not to exist for the type and quality of coverage required by the insured if, at the time of the request, the surplus lines licensee and the licensee’s producing [agent or broker] **insurance producer**, if any, have been unable, after the exercise of due diligence, to obtain such coverage from both—

(A) Those admitted insurers with whom the surplus lines licensee and any producing [agent or broker] **insurance producer** have been appointed to act, respectively, as [agents] **insurance producers**; and

(B) Those other admitted insurers to whom the surplus lines licensee and any producing [agent or broker] **insurance producer** have reasonable access and from whom they either knew they could obtain coverage or from whom they would typically be able to obtain coverage, during the normal course of business.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. Original rule filed Aug. 4, 1992, effective May 5, 1993. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 200—Financial Examination**  
**Chapter 8—Risk Retention**

**PROPOSED AMENDMENT**

**20 CSR 200-8.100 Federal Liability Risk Retention Act.** The department is amending subsections (3)(H) and (3)(L), and (4)(E) and (4)(F) of this rule.

*PURPOSE: This amendment changes the terms “agent” and “broker” to “insurance producer.”*

(3) Risk Retention Group. Every risk retention group chartered in states other than this state, seeking to do business as a risk retention group in this state, shall observe and abide by the laws of this state as follows. Each risk retention group shall register, before offering insurance in this state, with the director by submitting for approval to the director the information concerning the risk retention group as is prescribed in this rule.

(H) Licensing.

1. A risk retention group shall solicit members in Missouri only through *[appointed agents]* **insurance producers** licensed by the director for general casualty.

2. *[A broker]* **An insurance producer** licensed by the director for general casualty, on behalf of a client seeking insurance, may place insurance with any duly registered purchasing group or risk retention group in the same manner as placing insurance with an authorized insurance company.

(L) Application for Registration.

1. A risk retention group currently registered with the director shall complete and file with the director the Application for Registration set forth in Exhibit A, **included herein**. The application must be filed no later than September 6, 1991. The risk retention group should notify the director of any change in the information in the application within thirty (30) days of any change. Failure to file or to update changes in the application will result in a forfeiture of the risk retention group's registration status with the director.

2. All new applicants for registration must complete and file with the director the Application for Registration set forth in Exhibit A. New applicants must submit a one hundred dollar (\$100) registration fee with the application.

3. All currently registered risk retention groups must pay an annual renewal fee of one hundred dollars (\$100) beginning on July 1, 1991. Failure to pay the renewal fee will result in a forfeiture of registration.

4. All new applicants shall not be required to pay the annual fee as described in subsection (4)(E) until the year following the year the applicant initially registered with the director.

(4) Purchasing Group. Every purchasing group seeking to do business in this state shall register with the director by submitting for approval to the director the information concerning the purchasing group as is prescribed in this rule.

(E) Application for Registration.

1. A purchasing group currently registered with the director shall complete and file with the director the application for registration set forth in Exhibit B, **included herein**. The application must be filed by no later than September 6, 1991. The purchasing group should notify the director of any change in the information in the application within thirty (30) days of any change. Failure to file or to update changes in the application will result in a forfeiture of the purchasing group's registration status with the director.

2. All new applicants for registration must complete and file with the director the application for registration set forth in Exhibit B. New applicants must submit a one hundred dollar (\$100) registration fee with the application.

3. All currently registered purchasing groups must pay an annual renewal fee of one hundred dollars (\$100) beginning on July 1, 1991. Failure to pay the renewal fee will result in a forfeiture of registration.

4. All new applicants shall not be required to pay the annual fee as described in subsection (4)(E) until the year following the year the applicant initially registered with the director.

(F) Licensing.

1. A purchasing group located in Missouri shall procure insurance with an admitted company through an *[agent or broker]* **insurance producer** licensed by the director for general casualty and insurance with a nonadmitted company through a surplus lines licensee licensed by the director.

2. Any purchasing group soliciting members in Missouri shall do so through an *[agent]* **insurance producer** licensed by the director for general casualty.

EXHIBIT A

APPLICATION FOR REGISTRATION AS  
A RISK RETENTION GROUP

*(All information should be typed.)*

1. List the corporate name of the Risk Retention Group.

\_\_\_\_\_  
(Name must include the phrase "Risk Retention Group")

List any DBAs of the Risk Retention Group.

2. The primary activity of this Risk Retention Group consists of assuming and spreading all, or any portion, of the liability exposure of its members.

3. The Risk Retention Group is organized for the primary purpose of conducting the activity described under item 2.

4. The Risk Retention Group is chartered and licensed as a liability insurance company under the laws of the State of \_\_\_\_\_ and is authorized to engage in the following lines of insurance under the laws of its chartering state:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The Risk Retention Group does not exclude any person from membership in the Group solely to provide for members of the Group a competitive advantage over such a person.

6. Ownership of the Risk Retention Group consists of one or the other of the following (check one):

\_\_\_\_\_ the owners of the Group are the only persons who comprise the membership of the Group and who are provided insurance by the Group;

\_\_\_\_\_ the sole owner of the Group is \_\_\_\_\_

\_\_\_\_\_  
(Give name and address of the organization)

An organization whose members only comprise the membership of the Group, and whose owners are only persons who comprise the membership of the Group and who are provided insurance by the Group.

7. The Risk Retention Group is composed of members who are engaged in the following described business or activities, which are similar or related with respect to the liability to which such members are exposed by virtue of related, similar or common business, trade, product, services, premises or operations (Give general description of business or activities engaged in by Group members.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. List the name, address and telephone number of each officer of the Risk Retention Group and the key officer or staff person (not an employee of the Group's management company) responsible for overseeing "hands on management" of the Group. (Attach additional pages if necessary.)

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8A. List the name, address and telephone number of the company responsible for management of the insurance operations of this Risk Retention Group. (If none, answer none.)

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8B. List the name, address and telephone number of the principal agent or broker responsible for marketing the Group's insurance policies. (If none, answer none.)

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9. The activities of the Risk Retention Group do not include the provision of insurance other than:

- (a) Liability insurance for assuming and spreading all or any portion of the similar or related liability exposure of its Group members; and
- (b) Reinsurance with respect to the similar or related liability exposure of another Risk Retention Group (or a member of such other Risk Retention Group) engaged in businesses or activities which qualify such other Risk Retention Group (or member) under item 6. for membership in this Group.

10. The Risk Retention Group will comply with the unfair claim settlement practices laws of the state of Missouri.

11. The Risk Retention Group will pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on the Group under the laws of this state.

12. The Risk Retention Group has designated the insurance director of this state to be its agent solely for the purpose of receiving service of legal documents or process.

13. The Risk Retention Group will submit to examination by the insurance director to determine the Group's financial condition, if—

- (a) The insurance director of the Group's chartering state has not begun or has refused to initiate an examination of the Group; and
- (b) Any such examination by the insurance director is coordinated so as to avoid unjustified duplication and unjustified repetition.

14. The Risk Retention Group will comply with a lawful order issued in a delinquency proceeding commenced by the insurance director upon a finding of financial impairment, or in a voluntary dissolution proceeding.

15. The Risk Retention Group will comply with the laws of this state concerning deceptive, false or fraudulent acts or practices, including any injunctions regarding such conduct obtained from a court of competent jurisdiction.

16. The Risk Retention Group will comply with an injunction issued by a court of competent jurisdiction upon petition by the insurance director alleging that the Group is in hazardous financial condition or is financially impaired.

17. The Risk Retention Group will provide the following notice, in ten (10)-point type, in any insurance policy issued by the Group:



## NOTICE

"This policy is issued by your Risk Retention Group. Your Risk Retention Group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your Risk Retention Group."

18. The Risk Retention Group has submitted to the insurance director, as part of this application and *before* it has offered any insurance in this state, a copy of the plan of operation or feasibility study which it has filed with the insurance director of its chartering state. This plan or study discloses the name of the state in which the Group is chartered, as well as the Group's principal place of business, and such plan or study further includes the coverages, deductibles, coverage limits, rates and rating classification systems for each line of insurance the Group intends to offer. The Group will promptly submit to the insurance director any revisions of such plan or study to reflect any changes to the plan including, but without limitation, additional lines of liability insurance which the Group intends to offer, and any change in the designation of the Group's chartering state.

19. The Risk Retention Group will submit its annual financial statement to the insurance director by March 1 of each year. The annual financial statement will be certified by an independent public accountant and include a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist.

20. The Risk Retention Group will not solicit or sell insurance to any person in this state who is not eligible for membership in the Group.

21. The Risk Retention Group will not solicit or sell insurance in this state, or otherwise operate in this state, if the Group is financially impaired or is in a hazardous financial condition. We do hereby swear and affirm that the aforementioned statements and information are true and correct.

\_\_\_\_\_  
President or Chief Executive Officer

\_\_\_\_\_  
Secretary

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public, State of: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_  
DEPARTMENT OF INSURANCE  
APPOINTMENT OF ATTORNEY TO ACCEPT SERVICE

The \_\_\_\_\_,  
a Risk Retention Group (called the Group) duly organized under the laws of the State of \_\_\_\_\_, appoints the insurance director, of the state of Missouri, and his or her successors in office, to be its lawful attorney upon whom all legal process in any action or proceeding against it shall be served and further agrees that any lawful process against it which is served upon this attorney shall have the same legal validity as if served personally upon the Group. The Group gives the insurance director, and his or her successors, full authority to do every act necessary to be done under this appointment as fully as the Group could do if personally present, and ratifies all that the insurance director shall lawfully do under the power granted by this appointment. This authority may be withdrawn only upon a written notice of revocation and in any case shall continue in effect so long as any liability arising out of this appointment remains outstanding in the state. This instrument is executed pursuant to and shall be construed to constitute full compliance with Section 3(a)(1)(D) of the Liability Risk Retention Act of 1986. The Group designates

\_\_\_\_\_  
whose address is \_\_\_\_\_  
as the person to whom process against the Group served upon the director shall be forwarded.

IN WITNESS OF THIS APPOINTMENT, said Group, in pursuant to a resolution duly appointed by its Board of Directors, has caused this instrument to be executed in its name by its President and Secretary, and its corporate seal to be affixed at the City of \_\_\_\_\_.

State of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
Attest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
(Name of risk Retention Group)

By:

STATE OF \_\_\_\_\_  
APPLICATION FOR REGISTRATION AS A PURCHASING GROUP  
(All information should be typed)

1. List the exact name of the Purchasing Group.

\_\_\_\_\_

\_\_\_\_\_

2. Indicate the form of organization or incorporation.

\_\_\_\_\_

3. The Purchasing Group is domiciled in the State of: \_\_\_\_\_

4. List any other names under which the Purchasing Group is or may be doing business in this state or any other state if different than item 3.

\_\_\_\_\_

\_\_\_\_\_

5. List the complete physical address of the Purchasing Group.

\_\_\_\_\_

\_\_\_\_\_

6. List the name, address and telephone number of the principal staff person or officer of the Purchasing Group who has knowledge of its insurance program, including membership criteria, coverages and key personnel of the group's administrator and insurance carrier.

\_\_\_\_\_

\_\_\_\_\_

6A. List the name, address and telephone number of the firm that acts as the administrator of the Purchasing Group and the name of the principal account executive responsible for the group's insurance program. (If none, answer none.)

\_\_\_\_\_

\_\_\_\_\_

6B. List the name of the principal agent or broker responsible for the sale or purchase of the group's liability insurance. (If none, answer none.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. List the names, addresses, and occupations of the principal officers and directors of the Purchasing Group. Attach additional pages if necessary.

Principal Officers

Principal Directors

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. The Purchasing Group is composed of members whose business or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations. Give a general description of business or activities engaged in by Purchasing Group members:

\_\_\_\_\_

\_\_\_\_\_

9. The Purchasing Group has as one of its purposes the purchase of liability insurance on a purchasing group basis.

10. The Purchasing Group purchases such liability insurance only for its members and only to cover their similar or related liability exposure, as described in item 8.

11. The purchasing group intends to purchase the following lines and classifications of liability insurance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. The Purchasing Group intends to purchase the liability insurance described in item 11. above from the following insurance company or companies. Give full name of company, state of domicile and FEIN:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. List the name and address of the licensed agent or broker through whom purchases will be effected. Complete this item only if purchase of insurance is to be made from a surplus lines insurer, rather than from a licensed insurer.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. If the purchasing group transacts insurance business by means of a "direct offering" (without using insurance agents to market its program), list the name and address of each person not listed in item 13, who will be transacting business on behalf of the Purchasing Group. (You need not include the names of licensed agents duly appointed by an admitted insurer.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Has any person transacting business on behalf of this Purchasing Group ever:

(A) Been arrested, indicted and convicted of a felony or is a felony charge currently pending against any such person? .....

(B) Had denied any application for a professional, vocational or business license? .....

(C) Had suspended or revoked any such license? .....

(D) Had withdrawn or surrendered any such application or license to avoid potential disciplinary action against licensee? .....

If the answer to any part of this question is yes, attach a supplementary statement explaining in full each such occurrence.

We do hereby swear and affirm that the aforementioned statements and information are true and correct.

\_\_\_\_\_  
President or Chief Executive Officer

\_\_\_\_\_  
Secretary

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public, State of \_\_\_\_\_ My Commission Expires \_\_\_\_\_

STATE OF \_\_\_\_\_

DEPARTMENT OF INSURANCE  
APPOINTMENT OF ATTORNEY TO ACCEPT SERVICE

The \_\_\_\_\_,  
a Purchasing Group (called the Group) duly organized under the laws of the State of \_\_\_\_\_,  
appoints the insurance director, of the state of Missouri, and his or her successors in office, to be its lawful attorney upon whom  
all legal process in any action or proceeding against it shall be served and further agrees that any lawful process against it which  
is served upon this attorney shall have the same legal validity as if served personally upon the Group. The Group gives the  
insurance director, and his or her successors, full authority to do every act necessary to be done under this appointment as fully as  
the Group could do if personally present, and ratifies all that lawfully do under the power granted by this appointment. This  
authority may be withdrawn only upon a written notice of revocation and in any case shall continue in effect so long as any  
liability arising out of this appointment remains outstanding in the state. This instrument is executed pursuant to and shall be  
construed to constitute full compliance with Section 4(e) of the Liability Risk Retention Act of 1986.

The Group designates \_\_\_\_\_  
whose address is \_\_\_\_\_  
as the person to whom process against the Group served upon the director shall be forwarded.

IN WITNESS OF THIS APPOINTMENT, said Group, pursuant to a resolution duly appointed by its Board of Directors, has  
caused this instrument to be executed in its name by its President and Secretary, and its corporate seal to be affixed at the City of  
\_\_\_\_\_ State of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
(Name of Purchasing Group)

By:

\_\_\_\_\_  
President

**AUTHORITY:** section 374.045.1(3), RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-II.190. Original rule filed Aug. 12, 1988, effective Jan. 13, 1989. Amended: Filed Feb. 4, 1991, effective July 8, 1991. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 10—Managing General Agent  
(MGA)**

**PROPOSED AMENDMENT**

**20 CSR 200-10.200 Filings Required Within Thirty Days of Appointment of an MGA.** The department is amending subsection (1)(A) of this rule.

**PURPOSE:** This amendment changes the term “agent” to “producer.”

(1) Any insurer who is required under 20 CSR 200-10.100 to file for appointment of a managing general agent (MGA) must complete and file the following within thirty (30) days of that appointment:

(A) The Appointment Form MGA-1. (see 20 CSR 200-10.500) This form must list all information requested, including, but not limited to, the name and Missouri insurance [agent’s] producer’s license number of the MGA. Attached to Form MGA-1 shall be the following exhibits, unless the insurer has obtained an express waiver from the director:

1. A copy of a fidelity bond for the protection of the insurer in the minimum amount of one hundred thousand dollars (\$100,000) with no deductible; and

2. A copy of the MGA’s errors and omissions liability policy in the minimum amounts of one hundred thousand dollars (\$100,000) per occurrence or claim and one (1) million dollars aggregate; and

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-II.340(3). Original rule filed Jan. 22, 1991, effective July 8, 1991. Amended: Filed Nov. 3, 1992, effective May 5, 1993. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 300—Market Conduct Examinations  
Chapter 2—Record Retention for Market Conduct  
Examinations**

**PROPOSED AMENDMENT**

**20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations.** The director is adding a new subsection to section (1), adding four (4) new subsections to section (2), and adding a new subsection to section (3). It also replaces the terms insurance “agent,” “agency,” and “broker” with the term insurance “producer.”

**PURPOSE:** This amendment defines the term “third party vendor or service provider” and adds language relating to the types of records that insurers shall be required to maintain and provide to the department for the purpose of market conduct examinations relating to any third party vendor or service provider with whom it contracts.

(1) Definitions.

(H) The term “third party vendor or service provider” shall mean any person or entity participating in any aspect of the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process or providing information or assistance regarding the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process for a fee or pursuant to a contract, whether written or oral, with an insurer.

(2) Records Required.

(A) Every insurer, licensed to do business in this state shall maintain its books, records, documents and other business records in a manner so that the following practices of the insurer may be readily ascertained during market conduct examinations: claims handling and payment, complaint handling, termination, rating, underwriting and marketing.

(B) Every insurer, licensed to do business in this state, shall provide in a written contract entered into with any and all third party vendors or service providers which perform claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes on behalf of that insurer to have access to or maintain a copy of the books, records, documents, and other business records used or relied upon by the third party vendor or service provider with whom it contracts in the performance of the third party vendors’ or service providers’ duties in the claims handling, claims payment, complaint

handling, termination, rating, underwriting, or marketing processes on behalf of that insurer.

(C) During an examination, the insurer shall provide its written contract entered into with each third party vendor or service provider and such documents as set forth in subsection (2)(B) of this section within the time frames set forth in section (6) of this rule.

(D) Every insurer must exercise due diligence to monitor and audit every third party vendor or service provider with whom it contracts so as to justify to itself at least annually that the methods and procedures used in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes are accurate, done so for an appropriate business purpose, and do not violate the laws of this state. The insurer must be able to produce documentation and otherwise demonstrate how it monitored, audited, and verified the accurateness, lawfulness, and appropriateness of the business purpose and services performed by the third party vendor or service provider on its behalf within the time frames set forth in section (6) of this rule.

(E) It will be insufficient compliance with this regulation for the insurer to solely submit to the examiner a letter or affidavit from the third party vendor or service provider certifying the accuracy, appropriateness, and compliance with the laws of this state as it relates to the methods and procedures used in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes without the accompanying documentation as set forth in subsections (2)(B), (2)(C), and (2)(D) of this rule.

(3) Records to be Maintained. The following records shall be maintained:

(A) A Missouri policy record file shall be maintained for each Missouri policy issued, and shall be maintained for the duration of the current policy term plus two (2) calendar years. Missouri policy records shall be maintained so as to show clearly the policy period, basis for rating and any imposition of additional exclusions from or exceptions to coverage. Missouri policy records need not be segregated from the policy records of other states so long as they are readily available to Missouri market conduct examiners as required under this rule. Missouri policy records shall include the following:

1. The actual, completed application for each contract.

A. The application shall bear the signature of the applicant whenever the insurer intends to retain any right to contest any warranty, representation or condition contained in the application.

B. The application shall bear a clearly legible means by which an examiner can identify any *[agent or broker] insurance producer* involved in the transaction. The examiners shall be provided with any information needed to determine the identity of said *[agent or broker] insurance producer*;

2. Any declaration pages (the initial page and any subsequent pages), the insurance contract, any certificates evidencing coverage under a group contract, any endorsements or riders associated with a policy, and any written or electronic correspondence to or from the insured pertaining to the coverage. If any of these records has already been filed with the department, a separate copy of the record need not be maintained in the individual policy files to which the record pertains, provided it is clear from the insurer's other records or systems that the record applies to a particular policy and that any data contained in the record relating to that policy can be retrieved or recreated;

3. Any binder with terms and conditions that differ from the terms and conditions of the policy subsequently issued; and

4. Any guidelines, manuals or other information necessary for the reconstruction of the rating and underwriting of the policy. The maintenance at the site of a market conduct examination of a single copy of each of the above shall satisfy this requirement. If any such rating or underwriting record is computer based, the records used to

input the information into the computer system shall also be available to the examiners;

(B) A Missouri claim file shall be maintained for the calendar year in which the claim is closed plus three (3) years. The claim file shall be maintained so as to show clearly the inception, handling, and disposition of each claim. The claim file(s) shall be sufficiently clear and specific so that pertinent events and dates of these events can be reconstructed. A Missouri claim file(s) shall include the following:

1. Any notification of claim, proof of loss, claim form(s), proof of claim payment check/draft, notes, contract, declaration pages, certificates evidencing coverage under a group contract, endorsements or riders, work papers, any written communication, and any documented or recorded telephone communication related to the handling of a claim, including the investigation, payment and/or denial of the claim, and any claim manual(s) or other information necessary for reviewing the claim. Where a particular document pertains to more than one file, insurers may satisfy the requirements of this paragraph by making available, at the site of a market conduct examination, a single copy of each document;

2. Documents in a claim file received from an insured, the insured's *[agent] insurance producer*, a claimant, the department or any other insurer shall bear the initial date of receipt date-stamped by the insurer in a legible form in ink or some other permanent manner. Unless the company provides the examiners with written procedures to the contrary, the earliest date stamped on a document will be considered the initial date of receipt;

3. In cases of a total loss on property claims for a motor vehicle, trailer, boat or outboard motor, the claim file shall contain a copy of the certification described in section 144.027, RSMo attesting to the amount of the insurance proceeds and any deductible obligation paid by the claimant regarding the loss. The certification shall contain a statement informing the claimant that the sales tax credit is valid for only one hundred eighty (180) days; and

4. If an insurer, as its regular business practice, places the responsibility for handling certain types of claims upon company personnel other than its claims personnel, the insurer need not duplicate its files for maintenance by claims personnel. These claims records must be maintained as part of the records of the insurer's operations and must be readily available to examiners. Notwithstanding the definition of "claim" at subsection 20 CSR 100-1.010(1)(B), the time requirements for the retention of records for policy files stated at section 374.205.2(2), RSMo, apply to claims handled by the company's personnel who typically handle policy files;

(C) Records to be maintained relating to the insurer's compliance with Missouri's licensing requirements shall include the Missouri licensing records of each *[agency, agent and broker] insurance producer* associated with the insurer. Licensing records shall be maintained so as to show clearly the dates of the appointment and terminations of each *[agent] insurance producer*. In accordance with the provisions of section 375.158, RSMo, copies of the current licenses of each *[agent, agency and broker] insurance producer* not appointed by the insurer but to whom a commission will be paid shall be on file with the insurer prior to the payment of this commission. The date of the receipt by the insurer of the copy of the license shall be indicated by a date-stamp placed on the license. Unless the company provides the examiners with written procedures to the contrary, the earliest date stamped on a document will be considered the initial date of receipt;

(D) The Missouri complaint records required to be maintained under section 375.936(3), RSMo shall include a complaint log or register in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for a period of not less than the immediately preceding three (3) years, the classification of each complaint by line of insurance, the nature of each complaint, and the disposition of each complaint. The complaint log or register shall also contain a reference to the location of the file to which each complaint corresponds. If the insurer maintains

the file in a computer format, the reference in the complaint log or register for locating such documentation shall be an identifier such as the policy number or other code. Such codes shall be provided to the examiners at the time of an examination; *[and]*

(E) The insurer shall retain declined underwriting files for a period of three (3) years from the date of declination. The term "declined underwriting file" shall mean all written or electronic records concerning a policy for which an application for insurance coverage has been completed and submitted to the insurer or its *[agent]* **insurance producer** but the insurer has made a determination not to issue a policy or not to add additional coverage when requested. A declined underwriting file shall include an application, any documentation substantiating the decision to decline an issuance of a policy, any binder issued without the insurer issuing a policy, any documentation substantiating the decision not to add additional coverage when requested and, if required by law, any declination notification. Notes regarding requests for quotations which do not result in a completed application for coverage need not be maintained for purposes of this regulation./.; and

(F) **A copy of the contract that the insurer entered into with any and all third party vendors or service providers for the performance of the third party vendors' or service providers' duties in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes on behalf of the insurer.**

(4) Form of Record.

(A) Any record required to be maintained by an insurer, may be in the form of paper; photograph; computer; magnetic, mechanical or electronic medium; or any process which accurately forms a durable reproduction of the record, so long as the record is capable of duplication to a hard copy that is as legible as the original document. Documents that require the signature(s) of the insured and/or insurer's *[agent]* **insurance producer**, shall be maintained in any format as listed above provided evidence of the signature(s) is preserved in that format.

*AUTHORITY: sections 374.045, 375.012 and 536.016, RSMo [1994] 2000. This rule was previously filed as 4 CSR 190-11.050. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Sept. 5, 1975, effective Sept. 15, 1975. Amended: Filed April 4, 1991, effective Oct. 31, 1991. Amended: Filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 1—Life Insurance and Annuity Standards**

**PROPOSED AMENDMENT**

**20 CSR 400-1.010 Policy Approval Criteria for Life Insurance and Annuity Contracts.** The department is amending subsections (1)(C) and (2)(A) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer."*

(1) No life insurance or annuity contract, including applications, riders, endorsements, policies and certificates, shall be approved for use in this state unless it conforms to the following:

(C) No application for a life insurance or annuity contract or any coverage pertaining thereto, shall contain a statement such as, "No information acquired by any representative of the company or conveyed to any prospective insured by such representative shall be binding upon the company unless written herein." The company may specifically disclaim any *[agent's]* **insurance producer's** authority to waive a complete answer to any question in the application, pass on insurability, make or alter any contract or waive any of the company's other rights or requirements;

(2) In addition to the requirements of section (1), each life insurance policy shall contain in substance the following provision, if applicable to the form of policy being filed:

(A) The policy, including the endorsements and attached application, if any, constitutes the entire contract of insurance. No change in the policy shall be valid until approved by an executive officer of the insurer and unless the approval is attached to the policy. No *[agent]* **insurance producer** has authority to change this policy or to waive any of its provisions;

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.230. Original rule filed May 13, 1983, effective Nov. 11, 1983. Amended: Filed Dec. 1, 1989, effective June 29, 1990. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 1—Life Insurance and Annuity Standards**

**PROPOSED AMENDMENT**

**20 CSR 400-1.020 Variable Contracts Other Than Life.** The department is amending sections (1), (2), (8) and Exhibit A of this rule.

*PURPOSE: This amendment changes the terms “agent,” and “agency,” and “broker” to “insurance producer” or “producer.”*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) Definitions.

(B) **[Agent] Insurance producer**, when used in this rule, shall mean any person who under the laws of this state is required to be and is licensed as a life insurance **[agent, agency or life insurance broker] producer**.

(C) Variable contract **[agent] insurance producer**, when used in this rule, shall mean an **[agent] insurance producer** who shall sell or offer to sell any variable contract.

(D) A satisfactory alternative examination to Part I of the written examination called for by paragraph (8)(G)1. shall include any securities examination which is declared by the director to be an equivalent examination on the basis of content and administration. The following examinations are deemed to be a satisfactory alternative examination:

1. Any state securities sales examination accepted by the Securities and Exchange Commission;
2. The National Association of Securities Dealers, Inc., Examination for Principals or Examination for Qualification as a Registered Representative;
3. The various securities examinations required by the New York Stock Exchange, the American Stock Exchange, Pacific Stock Exchange or any other registered national exchange;
4. The Securities and Exchange Commission test given pursuant to /S/section 15(b)(8) of the Securities Exchange Act of 1934; and
5. The examination recommended for the testing of variable contract **[agents] insurance producers** by the National Association of Insurance Commissioners (NAIC), when adopted by the insurance department of any state or territory of the United States and approved for use by the department by the Securities and Exchange Commission.

(2) Qualification of Insurance Companies to Issue Variable Contracts.

(D) Before any company shall deliver, or issue for delivery, variable contracts within this state, it shall submit to the director—

1. An application for an amended certificate of authority to include variable contracts on the proper form furnished by this department;
2. A copy of a resolution adopted by its board of directors which authorizes the establishment of one (1) or more separate accounts;
3. With respect to a foreign life insurance company, a copy of the statutes and regulations of its state of domicile permitting the issuance of variable contracts and a certification of authorization from the director or commissioner of insurance of its state of domi-

cile or equivalent evidence that the company is authorized to issue variable contracts in that state;

4. A general description of the kinds of variable contracts it intends to issue;

5. Duplicate John Doe specimen copies of the variable contract and certificate forms which it proposes to issue in this state;

6. Biographical data with respect to officers and directors of the company on the NAIC uniform biographical data forms **which are attached to 20 CSR 400-1.150**;

7. Any prospectus or registration statement covering the offering of these variable contracts;

8. A certified copy of the last separate account blank filed in its domiciliary state; and

9. Any other information the director might deem necessary.

(8) Examination of **[Agents] Insurance Producers** and Other Persons.

(A) No **[agent] insurance producer** shall be eligible to sell or offer for sale a variable contract unless prior to making any solicitation or sale of this contract, s/he is also licensed as a variable contract **[agent] insurance producer**.

(B) Any **[agent] insurance producer** who participates only in the sale or offering for sale of variable contracts that are not registered under the Federal Securities Act of 1933 need not be licensed as a variable contract **[agent] insurance producer**.

(C) Any **[agent] insurance producer** applying for a license as a variable contract **[agent] insurance producer** shall do so by filing with this department an application designated by the director of insurance.

(D) The licensing as a variable contract **[agent] insurance producer** of any **[agent] insurance producer** complying with subsection (8)(C) shall not become effective until the **[agent] insurance producer** shall have satisfactorily passed a written examination upon securities and variable contracts. The examination shall be divided into two (2) parts. Part I shall be on securities generally. Part II will deal with variable contracts and will be composed of at least fifteen (15) questions concerning the history, purpose, regulation and sale of contracts on a variable basis. A passing grade of seventy percent (70%) shall be required on both Parts I and II of the examination.

(F) The examination recommended for the testing of variable contract **[agents] insurance producers** by the NAIC is adopted for use in this state and it shall be used in all tests given pursuant to this rule.

(G) Any applicant for license as a variable contract **[agent] insurance producer** shall not be required to take Part I of the NAIC examination if, at the time of application, evidence is presented that the applicant—

1. Has previously passed a satisfactory alternative examination as defined in subsection (7)(D) of this rule; or
2. Is currently registered with the federal Securities and Exchange Commission as a broker-dealer or is currently associated with a broker-dealer and has met qualification requirements with respect to the association.

(H) Every applicant applying for license as a variable contract **[agent] insurance producer** shall satisfactorily complete Part II of the examination required by subsection (8)(D) or shall present evidence of successful completion of either a variable contract examination given under the supervision of an insurance department of any state or territory of the United States which had adopted Part II of the examination recommended for the testing of variable contract **[agents] insurance producers** by the NAIC or has been examined and licensed by any insurance department prior to its adoption of the NAIC model regulation.

(K) Every application for a license as a variable contract **[agent] insurance producer** shall be accompanied by a Request for Examination form, an examination fee of ten dollars (\$10) and a license fee of three dollars (\$3). A fee of ten dollars (\$10) will be charged for each reexamination administered to an applicant.



(L) Report of the results of any examination given pursuant to this rule shall be made by the department on "Director's Report of Examination" (see Exhibit A, **included herein**).

(M) Except as modified, the regulations governing the licensing of life insurance *[agents]* **producers** including examinations shall apply.

(Q) Any person licensed in this state as a variable contract *[agent]* **insurance producer** immediately shall report to the director—

1. Any suspension or revocation of his/her variable contract *[agent's]* **insurance producer's** license or life insurance *[agent's]* **producer's** license in any other state or territory of the United States;

2. The imposition of any disciplinary sanction (including suspension or expulsion from membership, suspension or revocation of or denial of registration) imposed upon him/her by any national securities exchange or national securities association or any federal or state or territorial agency with jurisdiction over securities or contracts on a variable basis; and

3. Any judgment or injunction entered against him/her on the basis of conduct deemed to have involved fraud, deceit, misrepresentation or violation of any insurance or securities law or regulation.

(R) The director may reject any application or suspend or revoke or refuse to renew any variable contract *[agent's]* **insurance producer's** license upon any ground that would bar the applicant or the *[agent]* **insurance producer** from being licensed to sell life insurance contracts in this state. The rules governing any proceeding relating to the suspension or revocation of a life insurance *[agent's]* **producer's** license shall also govern any proceeding for suspension or revocation of a variable contract *[agent's]* **insurance producer's** license.

(S) Renewal of a variable contract *[agent's]* **insurance producer's** license shall follow the same procedure established for renewal of an *[agent's]* **insurance producer's** license to sell life insurance contracts in this state.

#### EXHIBIT A

DIRECTOR'S REPORT OF EXAMINATION NO. \_\_\_\_  
STATE OF MISSOURI  
DEPARTMENT OF INSURANCE  
APPROVAL OF LICENSE AS A  
VARIABLE CONTRACT *[AGENT]* **INSURANCE**  
**PRODUCER**

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Address

Enter name and address of broker *[or]* - dealer and of the company to which approval of application for Variable Contract *[Agent's]* **Insurance Producer's** License should be directed.

\_\_\_\_\_  
Broker-Dealer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company

\_\_\_\_\_  
Address

When validated by the Department of Insurance, this will be your notice of approval of your qualification for a Variable Contract *[Agent's]* **Insurance Producer's** License.

LICENSE APPROVED

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director

TEST SCORE: \_\_\_\_\_ NAIC EXAMINATION

SECURITIES  
Variable Contracts

Part I \_\_\_\_\_  
Part II \_\_\_\_\_

(If test waived, indicate variable contract regulation section conferring exemption)

\_\_\_\_\_  
If NAIC examination not taken, then name of general securities examination acceptable to the SEC.

TEST SCORE: \_\_\_\_\_

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule previously filed as 4 CSR 190-13.080. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 400—Life, Annuities and Health**  
**Chapter 1—Life Insurance and Annuity Standards**

#### PROPOSED AMENDMENT

**20 CSR 400-1.030 Variable Life Insurance.** The department is amending sections (1)–(3), and (10) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer" or "producer."*

(1) Definitions.

(B) *[Agent]* **Insurance producer** means any person, corporation, partnership or legal entity which is licensed by this state as a life insurance *[agent]* **producer**.

(2) Qualification of Insurer to Issue Variable Life Insurance. The following requirements are applicable to all insurers either seeking authority to issue variable life insurance in this state or which have authority to issue variable life insurance in this state:

(C) Standards of Suitability. Every insurer seeking approval to enter into the variable life insurance business in this state shall establish and maintain a written statement specifying the Standards of Suitability to be used by the insurer. These Standards of Suitability shall specify that no recommendation shall be made to an applicant to purchase a variable life insurance policy and that no variable life

insurance policy shall be issued in the absence of reasonable grounds to believe that the purchase of the policy is not unsuitable for the applicant on the basis of information furnished after reasonable inquiry of the applicant concerning the applicant's insurance and investment objectives, financial situation and needs, and any other information known to the insurer or the *agent* insurance producer making the recommendation;

(3) Insurance Policy Requirements—Policy Qualification. The director shall not approve any variable life insurance form filed pursuant to this regulation unless it conforms to the requirements of this section.

(C) Mandatory Policy Provisions. Every variable life insurance policy filed for approval in this state shall contain at least the following:

1. The cover page(s) corresponding to the cover page of each policy shall contain—

A. A prominent statement in either contrasting color or in boldface type that the amount or duration of death benefit may be variable or fixed under specified conditions;

B. A prominent statement in either contrasting color or in boldface type that cash values may increase or decrease in accordance with the experience of the separate account subject to any specified minimum guarantees;

C. A statement describing any minimum death benefit required pursuant to paragraph (3)(B)2.;

D. The method, or a reference to the policy provision, which describes the method for determining the amount of insurance payable at death;

E. To the extent permitted by state law, a captioned provision that the policyholder may return the variable life insurance policy within ten (10) days of receipt of the policy by the policyholder and receive a refund equal to the sum of—

(I) The difference between the premiums paid including any policy fees or other charges and the amounts allocated to any separate accounts under the policy; and

(II) The value of the amounts allocated to any separate accounts under the policy, on the date the returned policy is received by the insurer or its agent. Until a time as state law authorizes the return of payments as calculated in the preceding sentence, the amount of the refund shall be the total of all premium payments for the policy; and

F. Other items as are currently required for fixed benefit life insurance policies and which are not inconsistent with this rule;

2. For scheduled premium policies, a provision for a grace period of not less than thirty-one (31) days from the premium due date which shall provide that when the premium is paid within the grace period, policy values will be the same, except for the deduction of any overdue premium, as if the premium were paid on or before the due date;

3. For flexible premium policies, a provision for a grace period beginning on the policy processing day when the total charges authorized by the policy that are necessary to keep the policy in force until the next policy processing day exceed the amounts available under the policy to pay these charges in accordance with the terms of the policy. This grace period shall end on a date not less than sixty-one (61) days after the mailing date of the Report to Policyholders required by subsection (8)(C);

4. The death benefit payable during the grace period will equal the death benefit in effect immediately prior to this period less any overdue charges. If the policy processing days occur monthly, the insurer may require the payment of not more than three (3) times the charges which were due on the policy processing day on which the amounts available under the policy were insufficient to pay all charges authorized by the policy that are necessary to keep the policy in force until the next policy processing day;

5. For scheduled premium policies, a provision that the policy will be reinstated at any time within five (5) years from the date of

default upon the written application of the insured and evidence of insurability, including good health, satisfactory to the insurer, unless the cash surrender value has been paid or the period of extended insurance has expired, upon the payment of any outstanding indebtedness arising subsequent to the end of the grace period following the date of default together with accrued interest to the date of reinstatement and payment of an amount not exceeding the greater of—

A. All overdue premiums with interest at a rate not exceeding that permitted by state law compounded annually and any indebtedness in effect at the end of the grace period following the date of default with interest at a rate not exceeding that permitted by state law compounded annually; or

B. One hundred ten percent (110%) of the increase in cash value resulting from reinstatement plus all overdue premiums for incidental insurance benefits with interest at a rate not exceeding that permitted by state law compounded annually;

6. A full description of the benefit base and of the method of calculation and application of any factors used to adjust variable benefits under the policy;

7. A provision designating the separate account to be used and stating that—

A. The assets of this separate account shall be available to cover the liabilities of the general account of the insurer only to the extent that the assets of the separate account exceed the liabilities of the separate account arising under the variable life insurance policies supported by the separate account; and

B. The assets of the separate account shall be valued at least as often as any policy benefits vary but at least monthly;

8. A provision specifying what documents constitute the entire insurance contract under state law;

9. A designation of the officers who are *empowered* to make an agreement or representation on behalf of the insurer and an indication that statements by the insured, or on his/her behalf, shall be considered as representations and not warranties;

10. An identification of the owner of the insurance contract;

11. A provision setting forth conditions or requirements as to the designation, or change of designation, of a beneficiary and a provision for disbursement of benefits in the absence of a beneficiary designation;

12. A statement of any condition or requirements concerning the assignment of the policy;

13. A description of any adjustments in policy values to be made in the event of misstatement of age or sex of the insured;

14. A provision that the policy shall be incontestable by the insurer after it has been in force for two (2) years during the lifetime of the insured; provided, however, that any increase in the amount of the policy's death benefits subsequent to the policy issue date, which increase occurred upon a new application or request of the owner and was subject to satisfactory proof of the insured's insurability, shall be incontestable after the increase has been in force, during the lifetime of the insured, for two (2) years from the date of issue of the increase;

15. A provision stating that the investment policy of the separate account shall not be changed without the approval of the insurance director of the state of domicile of the insurer and that the approval process is on file with the director of this state;

16. A provision that payment of variable death benefits in excess of any minimum death benefits, cash values, policy loans or partial withdrawals (except when used to pay premiums) or partial surrenders may be deferred—

A. For up to six (6) months from the date of request, if these payments are based on policy values which do not depend on the investment performance of the separate account; or

B. Otherwise, for any period during which the New York Stock Exchange is closed for trading (except for normal holiday closing) or when the Securities and Exchange Commission has determined that a state of emergency exists which may make the payment impractical;

17. If settlement options are provided, at least one (1) on these options shall be provided on a fixed basis only;

18. A description of the basis for computing the cash value and the surrender value under the policy shall be included;

19. Premiums or charges for incidental insurance benefits shall be stated separately;

20. Any other policy provision required by this regulation;

21. Other items as are currently required for fixed benefit life insurance policies and are not inconsistent with this rule; and

22. A provision for nonforfeiture insurance benefits. The insurer may establish a reasonable minimum cash value below which any nonforfeiture insurance options will not be available.

(10) Qualification of *[Agents/ Insurance Producers]* for the Sale of Variable Life Insurance.

(A) Qualification to Sell Variable Life Insurance.

1. No person may sell or offer for sale in this state any variable life insurance policy unless the person is an *[agent/ insurance producer]* and has filed with the director, in a form satisfactory to the director, evidence that the person holds any license or authorization which may be required for the solicitation or sale of variable life insurance.

2. Any examination administered by the department for the purpose of determining the eligibility of any person for licensing as an agent, after the effective date of this rule (April 11, 1985) shall include questions concerning the history, purpose, regulation and sale of variable life insurance as the director deems appropriate.

(C) Refusal to Qualify *[Agent/ Insurance Producer]* to Sell Variable Life Insurance, Suspension, Revocation or Nonrenewal of Qualification. The director may reject any application or suspend or revoke or refuse to renew any *[agent's/ insurance producer's]* qualification under this section to sell or offer to sell variable life insurance upon any ground that would bar the applicant or *[agent/ insurance producer]* from being licensed to sell other life insurance contracts in this state. The rules governing any proceeding relating to the suspension or revocation of an *[agent's/ insurance producer's]* license shall also govern any proceeding for suspension or revocation of an *[agent's/ insurance producer's]* qualification to sell or offer to sell variable life insurance.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.090. Original rule filed Aug.5, 1974, effective Aug. 15, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 400—Life, Annuities and Health**  
**Chapter 1—Life Insurance and Annuity Standards**

**PROPOSED AMENDMENT**

**20 CSR 400-1.150 Modified Guaranty Annuity.** The department is amending sections (1), (3), (5), and (10) of this rule.

**PURPOSE:** This amendment changes the term "agent" to "insurance producer."

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Applicability and Scope. This rule shall apply to—

(A) The qualifications of *[agents/ insurance producers]* who sell Modified Guaranteed Annuity contracts in this state;

(3) Authority of Insurers. The following requirements apply to all insurers who are either seeking authority to issue Modified Guaranteed Annuities in Missouri or who currently have authority to issue Modified Guaranteed Annuities in Missouri:

(A) Licensing and Approval to Do Business.

1. No company shall deliver or issue for delivery Modified Guaranteed Annuities within Missouri unless it has a certificate of authority to do life insurance or annuity business in the state. The director must be satisfied that the company's condition or method of operation in connection with the issuance of these contracts will not render its operation hazardous to either the public or to its Missouri policyholders. The director shall consider, among other things, the history and financial condition of the company; the character, responsibility and fitness of the officers and directors of the company; and the law(s) and rule(s) under which the company is authorized in its state of domicile to issue Modified Guaranteed Annuities.

2. Companies licensed and having a satisfactory record of doing business in Missouri for a period of at least three (3) years may be deemed to have satisfied the director with respect to paragraph (3)(A)1.

3. Before any company delivers or issues for delivery Modified Guaranteed Annuities within Missouri, it shall submit to the director the following:

A. A general description of the kinds of annuities it intends to issue;

B. A copy of the statutes and rules of its state of domicile under which it is authorized to issue Modified Guaranteed Annuities; and

C. Biographical data of the officers and directors of the company on the National Association of Insurance Commissioners (NAIC) uniform biographical data forms, **included herein**;

(5) Modified Guaranteed Annuity Contract Requirements.

(B) Nonforfeiture Benefits.

1. This subsection shall not apply to any of the following:

A. Reinsurance;

B. Group annuity contracts purchased in connection with one (1) or more retirement plans or plans of deferred compensation established or maintained by or for one (1) or more employers (including partnerships or sole proprietorships), employee organizations or any combination of them, other than plans providing individual retirement

accounts or individual retirement annuities under Section 408 of the *Internal Revenue Code*;

- C. Premium deposit fund;
- D. Investment annuity;
- E. Immediate annuity;
- F. Deferred annuity contract after annuity payments have commenced;
- G. Reversionary annuity; or
- H. Contract which is to be delivered outside Missouri by an *[agent]* **insurance producer** or other representative of the company issuing the contract.

2. No Modified Guaranteed Annuity contract shall be delivered or issued for delivery in Missouri unless it contains, in substance, the following provisions:

A. That upon cessation of payment of considerations under a contract, the insurer will grant a paid-up annuity benefit on a plan described in the contract that complies with paragraph (5)(B)4. The description will include a statement of the mortality table, if any, and guaranteed or assumed interest rates used in calculating annuity payments; and

B. That if a contract provides for a lump sum settlement at maturity, or at any other time, upon surrender of the contract at or prior to the commencement of any annuity payments, the insurer will pay, in lieu of any paid-up annuity benefit, a cash surrender benefit as described in the contract that complies with paragraph (5)(B)5. The contract may provide that the insurer may defer payment of the cash surrender benefit for a period of six (6) months after demand.

3. The minimum values, as specified in subsection (5)(B), of any paid-up annuity, cash surrender or death benefits, available under a Modified Guaranteed Annuity contract shall be based upon nonforfeiture amounts meeting the requirements of paragraph (5)(B)3. The Unadjusted Minimum Nonforfeiture Amount on any date prior to the annuity commencement date shall be an amount not less than that required by section 376.671, RSMo. The minimum nonforfeiture amount shall be the unadjusted minimum nonforfeiture amount adjusted by the market-value adjustment formula contained in the contract.

4. Any paid-up annuity benefit available under a Modified Guaranteed Annuity contract shall be such that its present value on the annuity commencement date is at least equal to the Minimum Nonforfeiture Amount on that date. This present value shall be computed using the mortality table, if any, and the guaranteed or assumed interest rates used in calculating the annuity payments.

5. For Modified Guaranteed Annuity contracts which provide cash surrender benefits, the cash surrender benefit at any time prior to the annuity commencement date shall not be less than the Minimum Nonforfeiture Amount next computed after the request for surrender is received by the insurer. The death benefit under these contracts shall be at least equal to the cash surrender benefit.

6. Any Modified Guaranteed Annuity Contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the Minimum Nonforfeiture Amount prior to the annuity commencement date shall include a statement in a prominent place in the contract that these benefits are not provided.

7. Despite the requirements of this section, a Modified Guaranteed Annuity contract may provide under the situations specified in subparagraph (5)(B)7.A. or B., that the insurer, at its option, may cancel the annuity and pay the contract holder the larger of the Unadjusted Minimum Nonforfeiture Amount and the Minimum Nonforfeiture Amount and by this payment be released of any further obligation under this contract—

A. If at the time the annuity becomes payable, the larger of the Unadjusted Minimum Nonforfeiture Amount and the Minimum Nonforfeiture Amount is less than two thousand dollars (\$2,000) or would provide an income, the initial amount of which is less than twenty dollars (\$20) per month; or

B. If prior to the time the annuity becomes payable under a periodic payment contract, no considerations have been received

under the contract for a period of two (2) full years and both—I) the total considerations paid prior to this period, reduced to reflect any partial withdrawals from or partial surrenders of the contract and II) the larger of the Unadjusted Minimum Nonforfeiture Amount and the Minimum Nonforfeiture Amount is less than two thousand dollars (\$2,000).

8. For any Modified Guaranteed Annuity contract which provided, within the same contract, by rider, or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Despite the provisions of paragraph (5)(B)2., additional benefits payable—

- A. In the event of total and permanent disability;
- B. As reversionary annuity or deferred reversionary annuity benefits; or

C. As other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all these additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by subsection (5)(B). The inclusion of the additional benefits shall not be required in any paid-up benefits, unless the additional benefits separately would require Minimum Nonforfeiture Amounts, paid-up annuity, cash surrender and death benefits.

(10) Authorization of *[Agents]* **Insurance Producers**. No person, corporation, partnership or other legal entity may sell or offer for sale in this state any Modified Guaranteed Annuity contract unless licensed to sell variable annuities under the insurance laws of this state.

**BIOGRAPHICAL AFFIDAVIT**

*(Print or Type)*

Full Name and Address of Company (Do Not Use Group Names). \_\_\_\_\_

In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE," SO STATE.

1. Affiant's Full Name (Initials Not Acceptable) \_\_\_\_\_

2. a. Have you ever had your name changed? \_\_\_\_\_ If yes, give the reason for the change. \_\_\_\_\_

b. Other names used at any time. \_\_\_\_\_

3. Affiant's Social Security Number \_\_\_\_\_

4. Date and Place of Birth \_\_\_\_\_

5. Affiant's Business Address \_\_\_\_\_

Business Telephone \_\_\_\_\_

6. List your residences for the last ten (10) years starting with your current address, giving:

DATE	ADDRESS	CITY AND STATE
------	---------	----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Education: Dates, Names, Locations and Degrees.

College \_\_\_\_\_

Graduate Studies \_\_\_\_\_

Others \_\_\_\_\_

8. List memberships in Professional Societies and Associations. \_\_\_\_\_

_____
_____

9. Present or Proposed Position with the Applicant Company \_\_\_\_\_

10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past twenty (20) years giving:

DATE	EMPLOYER AND ADDRESS	TITLE
------	----------------------	-------

11. Present employer may be contacted. Yes No (Circle One)

Former employers may be contacted. Yes No (Circle One)

12. a. Have you ever been in a position which required a fidelity bond? \_\_\_\_\_

If any claims were made on the bond, give details. \_\_\_\_\_

b. Have you ever been denied an individual or position schedule fidelity bond or had a bond cancelled or revoked? \_\_\_\_\_

If yes, give details. \_\_\_\_\_

13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority, which you presently hold or have held in the past (state date license issued, issuer of license, date terminated, reasons for termination).

14. During the last ten (10) years, have you ever been refused a professional, occupational, or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? \_\_\_\_\_

If yes, give details. \_\_\_\_\_

15. List any insurers in which you control directly or indirectly or legally or beneficially own 10% or more of the outstanding stock (in voting power). \_\_\_\_\_

If any of the stock is pledged or hypothecated in any way, give details. \_\_\_\_\_

16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant insurance company or its affiliates? \_\_\_\_\_

If any of the shares or stock are pledged or hypothecated in any way, give details. \_\_\_\_\_

17. Have you ever been adjudged a bankrupt? \_\_\_\_\_
18. a. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement or a sentence suspended or been pardoned for conviction of or pleaded guilty or *nolo contendere* to an information or indictment charging any felony, or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been subject of any disciplinary proceedings of any federal or state regulatory agency? \_\_\_\_\_  
If yes, give details. \_\_\_\_\_  
\_\_\_\_\_
- b. Has any company been so charged, allegedly as a result of any action or conduct on your part? \_\_\_\_\_  
If yes, give details. \_\_\_\_\_  
\_\_\_\_\_
19. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? \_\_\_\_\_
20. Has the certificate of authority or license to do business of any issuance company of which you were an officer or director or key management person ever been suspended or revoked while you occupied such position? \_\_\_\_\_  
If yes, give details. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and signed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_. I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Affiant)

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared before me the above named \_\_\_\_\_  
personally known to me, who, being duly sworn, deposes and says that s/he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his/her knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-13.300. Original rule filed Dec. 1, 1989, effective Aug. 1, 1990. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

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**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 2—Accident and Health  
Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 400-2.010 Insured's Right to Examination of Accident and Sickness Coverage.** The department is amending section (3) of this rule.

**PURPOSE:** This amendment changes the term "agent" to "insurance producer."

(3) All these insurance companies shall remit to the person to whom the policy was issued the gross amount of the premium paid in the event the insured elects to return the policy. No insurance company is permitted to deduct or fail to return that portion of the premium retained by the company's [agent] insurance producer or any other expense connected with the premium.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-14.010. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 12, 1974, effective Aug. 22, 1974. Amended: Filed Dec. 1, 1989, effective June 30, 1990. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in

support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 2—Accident and Health  
Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 400-2.060 Policy Approval Criteria.** The department is amending subsection (3)(C) of this rule.

**PURPOSE:** This amendment changes the term "agent" to "insurance producer."

(3) Elements of Coverage Required.

(C) No application form will be approved containing such statements as "No information acquired by any representative of the company shall be binding upon the company unless written herein." The company may specifically disclaim any [agent's] insurance producer's authority to waive a complete answer to any question in the application, pass on insurability, make or alter any contract or waive any of the company's other rights or requirements.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-14.090. Original rule filed Feb. 26, 1975, effective March 15, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 2—Accident and Health  
Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 400-2.090 Group Health Classification.** The department is amending section (2) of this rule.



*PURPOSE: This amendment changes the terms "agent" and "broker" to "insurance producer."*

(2) No health insurance of any kind may be solicited or sold, or both, to an employer, union or similar organizational unit located in Missouri unless the person or entity making these solicitations or sales, or both, is a duly licensed *[agent or broker]* **insurance producer** in accordance with the requirements of sections 375.014 and 375.071, RSMo, and holds a current and valid appointment with the insurer for which these solicitations or sales, or both, are made.

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-14.130. Original rule filed July 14, 1988, effective Jan. 1, 1989. Rescinded and readopted: Filed June 6, 1989, effective Sept. 15, 1989. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 400—Life, Annuities and Health**  
**Chapter 2—Accident and Health**  
**Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 400-2.130 Group Health Filings.** The department is amending subsections (2)(B) and (2)(C), and (3)(A) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer."*

(2) Group health policies delivered in Missouri are subject to the following:

(B) Any policy form issued to a discretionary group must be approved by the MDI under section 376.421.2(1), RSMo. This policy filed with the MDI must be accompanied by an affidavit and necessary exhibits on a form approved by the MDI, **as included herein**;

(C) Whenever reasonably necessary to determine whether a group policy is being issued by a true group, the MDI may require an affidavit on a form approved by the MDI, **as included herein**, to determine whether a group is a true group;

(3) Group health policies not delivered in Missouri are subject to the following:

(A) Any coverage solicited or sold in this state, whether by direct mail, *[agent]* **insurance producer** contact, telephone contact or advertisement, must be delivered to a true group or a discretionary group;

(C) Whenever reasonably necessary to determine whether a group policy is being issued to a true group, the MDI may require an affidavit on a form approved by the MDI, **as included herein**, to determine whether a group is a true group;

(D) The MDI shall require an affidavit with necessary exhibits on a form approved by the MDI, **as included herein**, for any policy issued to a discretionary group. This affidavit will be unnecessary only if another state having a law substantially similar to section 376.421.2(1), RSMo has approved the policy as a discretionary group policy;

STATE OF \_\_\_\_\_ )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_, has agreed to become a policyholder  
name of employer

of \_\_\_\_\_  
name of insurance company

2. The policy which will be issued is a group health policy with form number \_\_\_\_\_  
form number

3. I represent the \_\_\_\_\_ in the following capacity:  
name of employer or employer's trust

\_\_\_\_\_  
Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(1)

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.:

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_ (the person)  
is/are a creditor, parent holding company of a creditor or a trustee or trustees or agent designated by two or more  
creditors.

2. The person named in statement number 1. will be the policyholder of a group health policy to insure debtors of  
the creditor or creditors with respect to their indebtedness.

3. The policy which will be issued is a group health policy issued by \_\_\_\_\_  
insurance company  
with form number \_\_\_\_\_.

4. I represent the person named in statement number 1. in the following capacity: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(2)

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.:

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_ is a labor union or similar employee  
organization.

2. The labor union or similar employee organization will be the policyholder of a group health policy from  
\_\_\_\_\_ with policy form number \_\_\_\_\_ .  
insurance company

3. I represent the labor union or similar employee organization in the following capacity: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(3)

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.:

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_ is a trust, or the trustee of a fund  
established or adopted by two or more employers, or by one or more labor unions or similar employee organizations,  
or by one or more employers and one or more labor unions or similar employee organizations.

2. The trust or trustee named in statement number 1. will be the policy holder of a group health policy issued by

\_\_\_\_\_  
insurance company

3. I represent the trust or trustee named in statement number 1. in the following capacity: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My

commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(4)

STATE OF \_\_\_\_\_ )  
 ) ss.:  
 COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, on my oath swear that the following statement are  
 name

true to the best of my knowledge:

1. \_\_\_\_\_ is (check one):

- A. ☐ an association  
 B. ☐ a trust or a fund established, created or maintained for the benefit of members of one or more associations.

2. (Check one of the following applicable statements)

- ☐ The association named in statement 1. has;  
 A. a minimum of one hundred persons;  
 B. been organized and maintained in good faith for purposes other than that of obtaining insurance;  
 C. been in active existence for at least two years;  
 D. a constitution and bylaws which provide that the association shall hold regular meetings not less than annually to further the purposes of the members;  
 E. except for credit unions, collected dues or solicited contributions from members; and  
 F. provided the members with voting privileges and representation on the governing board and committees.
- ☐ The association or associations making up the trust or fund named in statement 1. has or have;  
 A. a minimum of one hundred persons;  
 B. been organized and maintained in good faith for purposes other than that of obtaining insurance;  
 C. been in active existence for at least two years;  
 D. a constitution and bylaws which provide that the association or associations shall hold regular meetings not less than annually to further the purposes of the members;  
 E. except for credit unions, collected dues or solicited contributions from members; and  
 F. provided the members with voting representation on the governing board and committees.

3. The association, trust or fund, or the trustees of the trust or fund, named in statement 1. will be the policyholder of a group health policy issued by \_\_\_\_\_ with form number \_\_\_\_\_ .  
 I represent the association, trust or fund named in statement number 1. in the following capacity: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Type or print name: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My

commission expires \_\_\_\_\_, \_\_\_\_\_. \_\_\_\_\_

Notary Public

STATE OF \_\_\_\_\_ )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_ is a credit union or is or are a  
trustee, trustees or agent designated by two or more credit unions.

2. I represent the credit union or trustee, trustees or agent named in statement 1. in the following capacity: \_\_\_\_\_

3. The credit union or trustee, trustees or agent named in statement 1. will be the policyholder of a group health  
policy from \_\_\_\_\_ insurance company with form number \_\_\_\_\_

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(6)

STATE OF \_\_\_\_\_ )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, on my oath swear that the following statement are  
name

true to the best of my knowledge:

1. \_\_\_\_\_ is a group specifically described in  
Missouri Revised Statutes, section 376.691.

2. The group named in statement number 1. will be the policyholder of a group health policy issued by \_\_\_\_\_  
\_\_\_\_\_ with form number \_\_\_\_\_.

3. I represent the group named in statement 1. in the following capacity: \_\_\_\_\_

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Affidavit 376.421.1(7)



STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.:

I, \_\_\_\_\_, on my oath swear that the following statement are  
name  
true to the best of my knowledge:

1. I hold the following office of the \_\_\_\_\_  
name of insurance company
2. I am authorized to execute this affidavit.
3. The company plans to issue group health policy form number \_\_\_\_\_ (the group policy).
4. The issuance of the group policy is not contrary to the best interest of the public because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages if necessary.)

5. The issuance of the group policy would result in economies of acquisition or administration described as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages if necessary)

6. The benefits are reasonable in relation to the premiums charged for the group policy as evidenced by the attached statement of the company's actuary. (Attach actuary's statement.)

Signature: \_\_\_\_\_

Type or print name:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. My  
commission expires \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-14.170. Original rule filed Oct. 5, 1989, effective May 1, 1990. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 3—Medicare Supplement  
Insurance**

**PROPOSED AMENDMENT**

**20 CSR 400-3.650 Medicare Supplement Insurance Minimum Standards Act.** The department is amending sections (1), (9), (10), (14), (15), (16), (18), and (19) of this rule. This amendment also replaces a portion of the form referred to in paragraph (15)(C)4., which is found on pages 59–60 of 20 CSR 400-3, as published in the *Code of State Regulations*.

**PURPOSE:** This amendment changes the terms “agent” and “broker” to “insurance producer.”

(1) Applicability and Scope.

(C) All forms printed with this rule are included herein.

(9) Open Enrollment.

(H) No Medicare supplement carrier shall, directly or indirectly enter into any contract, agreement or arrangement with an *[agent or broker] insurance producer* that provides for or results in the compensation paid to an *[agent or broker] insurance producer* for the sale of a Medicare supplement policy or certificate to be varied because of the age, health status, claims experience, receipt of health care or medical condition of an applicant eligible by reason of subsection (B) of this section for Medicare supplement insurance.

(I) A Medicare supplement carrier shall provide reasonable compensation, as provided under the plan of operation of the program, to an *[agent or broker] insurance producer*, if any, for the sale, during the open enrollment periods described in subsection (B) of this section, of a Medicare supplement insurance policy or certificate.

(J) No Medicare supplement insurance carrier shall terminate, fail to renew or limit its contract or agreement of representation with an *[agent or broker] insurance producer* for any reason related to the age, health status, claims experience, receipt of health care or medical condition of an applicant, eligible by reason of subsection (B) of

this section for Medicare supplement insurance, placed by the *[agent or broker] insurance producer* with the Medicare supplement insurance carrier.

(10) Guaranteed Issue for Eligible Persons.

(B) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

1. The individual is enrolled under an employee welfare benefit plan and the plan terminates, or the plan ceases to provide substantial health benefits to the individual either because the plan is modified or amended, or because the plan terminates, or because the individual leaves the plan;

2. The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply:

A. The organization's or plan's certification has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

B. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or because the plan is terminated for all individuals within a residence area or because of another change in circumstances specified by the secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856);

C. The individual demonstrates, in accordance with guidelines established by the secretary, that—

(I) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(II) The organization, or *[agent] insurance producer* or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

D. The individual meets such other exceptional conditions as the secretary may provide;

3.

A. The individual is enrolled with—

(I) An eligible organization under a contract under section 1876 (Medicare risk or cost);

(II) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(III) An organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan); or

(IV) An organization under a Medicare Select Policy; and

B. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under paragraph (10)(B)2.;

4. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because—

A.

(I) Of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

(II) Of other involuntary termination of coverage or enrollment under the policy;

B. The issuer of the policy substantially violated a material provision of the policy; or

C. The issuer, or an *[agent] insurance producer* or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

5.

A. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the

first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, an organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan), or a Medicare Select Policy; and

B. The subsequent enrollment under subparagraph (10)(B)5.A. is terminated by the enrollee during any period within the first twelve (12) months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under section 1851(e) of the federal Social Security Act); or

6. The individual, upon first becoming eligible for benefits under Part A of Medicare and enrolling in Medicare Part B, enrolls in a Medicare+Choice plan under Part C of Medicare, and disenrolls from the plan by not later than twelve (12) months after the effective date of enrollment; and

7. Any individual who terminates Medicare supplement coverage within thirty (30) days of the annual policy anniversary.

(14) Permitted Compensation Arrangements.

(A) An issuer or other entity may provide commission or other compensation to an *agent/ insurance producer* or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than two hundred percent (200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

(C) No issuer or other entity shall provide compensation to its *agents or other/ insurance* producers and no *agent or/ insurance* producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

(15) Required Disclosure Provisions.

(C) Outline of Coverage Requirements for Medicare Supplement Policies.

1. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant.

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than twelve (12)-point type, immediately above the company name:

**“NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued.”**

3. The outline of coverage provided to applicants pursuant to this section consists of four (4) parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than twelve (12)-point type. All plans A–J shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed below.

*NOTE: The following form is found on pages 59–60 in the Code of State Regulations.*

**PREMIUM INFORMATION [Boldface Type]**

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

**DISCLOSURES [Boldface Type]**

Use this outline to compare benefits and premium among policies.

**READ YOUR POLICY VERY CAREFULLY [Boldface Type]**

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

**RIGHT TO RETURN POLICY [Boldface Type]**

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

**POLICY REPLACEMENT [Boldface Type]**

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

**NOTICE [Boldface Type]**

This policy may not fully cover all of your medical costs.

[for *agents*/ insurance producers:]

Neither [insert company's name] nor its *agents*/ producers are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult "The Medicare Handbook" for more details.

**COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]**

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay *any* claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Included for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four (4) plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to section (7)(D) of this regulation.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

(16) Requirements for Application Forms and Replacement Coverage.

(B) *[Agents]* **Insurance producers** shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.

2. List policies sold in the past five (5) years which are no longer in force.

(D) Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One (1) copy of the notice signed by the applicant and the *[agent]* **insurance producer**, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

(E) The notice required by subsection (D) above for an issuer shall be provided in substantially the following form in no less than twelve (12)-point type:

**NOTICE TO APPLICANT REGARDING REPLACEMENT  
OF MEDICARE SUPPLEMENT INSURANCE**

[Insurance company's name and address]

**SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.**

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

**STATEMENT TO APPLICANT BY ISSUER, [AGENT /BROKER/ INSURANCE PRODUCER OR  
OTHER REPRESENTATIVE]:**

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage. The replacement policy is being purchased for the following reason (check one):

- ☐ Additional benefits.
- ☐ No change in benefits, but lower premiums.
- ☐ Fewer benefits and lower premiums.
- ☐ Other. (please specify)

1. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of *[Agent, Broker]* **Insurance Producer** or Other Representative)\*

[Typed Name and Address of Issuer[, *Agent or Broker*] or **Insurance Producer**]

(Applicant's Signature)

(Date)

\*Signature not required for direct response sales.



(18) Standards for Marketing.

(A) An issuer, directly or through its producers, shall—

1. Establish marketing procedures to assure that any comparison of policies by its *[agents or other]* insurance producers will be fair and accurate;

2. Establish marketing procedures to assure excessive insurance is not sold or issued;

3. Display prominently by type, stamp or other appropriate means, on the first page of the policy the following: "Notice to buyer: This policy may not cover all of your medical expenses.";

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance; and

5. Establish auditable procedures for verifying compliance with this subsection (A).

(B) In addition to the practices prohibited in the Unfair Trade Practices Act (sections 375.930 to 375.948, RSMo) and the Unfair Claim Settlement Practices Act (sections 375.1000 to 375.1018, RSMo), the following acts and practices are prohibited:

1. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer;

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance; and

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance *[agent]* producer or insurance company.

(19) Appropriateness of Recommended Purchase and Excessive Insurance.

(A) In recommending the purchase or replacement of any Medicare supplement policy or certificate an *[agent]* insurance producer shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. Original rule filed Oct. 15, 1998, effective June 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 4—Long-Term Care**

**PROPOSED AMENDMENT**

**20 CSR 400-4.100 Long-Term Care.** The department is amending section (9) of this rule.

**PURPOSE:** This amendment changes the terms "agent" and "broker" to "insurance producer."

**(9) Requirements for Application Forms and Replacement Coverage.**

(A) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and *[agent]* insurance producer, except where the coverage is sold without an *[agent]* insurance producer, containing these questions may be used. With regard to a replacement policy issued to a group as defined by section 376.951.2(4)(a), RSMo, the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced; provided, however, that the certificate holder has been notified of the replacement:

1. Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

2. Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?

A. If so, with which company?

B. If that policy lapsed, when did it lapse?

3. Are you covered by Medicaid?

4. Do you intend to replace any of your medical or health insurance coverage with this policy (certificate)?

(B) *[Agents]* Insurance producers shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.

2. List policies sold in the past five (5) years which are no longer in force.

(C) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its *[agent]* insurance producer, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One (1) copy of the notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice, which is included herein, shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT  
OF LONG-TERM CARE INSURANCE

(Insurance Company Name and Address)

## SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy or certificate to be issued by (company name) Insurance Company. Your new policy or certificate provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy or certificate. For your own information and protection, you should be aware of, and seriously consider, certain factors which may affect the insurance protection available to you under the new policy or certificate. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY *[AGENT (BROKER OR OTHER REPRESENTATIVE)]* **INSURANCE PRODUCER:** (Use Additional Sheets, As Necessary)

I have reviewed your current medical or health or long-term care insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

1. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
2. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its *[agent]* **insurance producer** regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.
3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

\_\_\_\_\_  
(Signature of *[Agent, Broker or Other Representative]*)  
**Insurance Producer**

\_\_\_\_\_  
(Typed Name and Address of *[Agent or Broker]*)  
**Insurance Producer**

The above "Notice to Applicant" was delivered to me on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Signature)

*AUTHORITY: section 374.045, RSMo [1986] 2000. Original rule filed Jan. 28, 1991, effective Sept. 30, 1991. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 5—Advertising**

**PROPOSED AMENDMENT**

**20 CSR 400-5.100 Life Insurance Advertising.** The department is amending sections (1) and (4) of this rule.

*PURPOSE: This amendment changes the terms “agent,” “solicitor,” and “broker” to “insurance producer.”*

(1) Definitions for the Purpose of These Rules.

(A) Advertisement shall be material designed to create public interest in life insurance or annuities or in an insurer or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

1. Printed and published material, audio visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

2. Descriptive literature and sales aids of all kinds issued by an insurer or **[agent] insurance producer**, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations and form letters;

3. Material used for the recruitment, training and education of an insurer's sales personnel, **agents, solicitors and brokers** and **insurance producers** which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy; and

4. Prepared sales talks, presentations and material for use by sales personnel, **agents, solicitors and brokers** and **insurance producers**.

(4) Disclosure Requirements.

(F) An advertisement of an insurance policy marketed by the direct response technique shall not state or imply that because there is no **[agent] insurance producer** or commission involved there will be a cost saving to prospective purchasers unless that is the fact. No cost savings may be stated or implied without justification satisfactory to the director of insurance prior to use.

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.020. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed July 9, 1976, effective Feb. 20, 1977. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 5—Advertising**

**PROPOSED AMENDMENT**

**20 CSR 400-5.200 Deceptive Practices or Misrepresentations in the Solicitation of Life Insurance.** The department is amending sections (1), (2), and (4) of this rule.

*PURPOSE: This amendment changes the terms “agent” and “broker” to “insurance producer.”*

(1) No insurance company shall deliver or issue in this state or permit its **[agents] insurance producers** or officers to deliver or promise to issue or deliver in this state its own stock or other stock or securities as an inducement to the purchase of insurance. No corporation or any of its **[agents] insurance producers**, officers or employees shall agree to sell, offer to sell, or give or offer, directly or indirectly, in any manner whatsoever any share of stock, securities or bonds as an inducement to the purchase of insurance.

(2) The practices and representations enumerated and listed in this rule are deemed to violate those sections of the Missouri Insurance Code set out in this rule and violations of same by companies or their **[agents or] insurance [brokers] producers** shall subject the violators to the penalties now contained in section 375.930, RSMo. Violations of same will consist of any of the following statements:

(K) Statements which tend to lead the prospect to believe that the **[agent] insurance producer** is dealing in other than a life insurance contract or that life insurance is incidental to the purchase of the contract;

(4) Each insurer shall notify each of its **[life agents] insurance producers** of the contents of this rule.

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.030. This version of rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 5—Advertising**

#### **PROPOSED AMENDMENT**

**20 CSR 400-5.300 Solicitation of Insurance on Military Installations in Missouri.** The department is amending section (2) of this rule.

**PURPOSE:** This amendment changes the term “agents” to “insurance producers.”

(2) Solicitation of insurance on military installations or bases in Missouri shall only be done by authorized **[agents] insurance producers** duly licensed by the Missouri Department of Insurance and the policy and application forms used by these **[agents] insurance producers** must be approved by the Missouri Department of Insurance.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.050. Original rule filed July 27, 1964, effective Aug. 6, 1964. Amended: Filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 5—Advertising**

#### **PROPOSED AMENDMENT**

**20 CSR 400-5.400 Replacement of Life Insurance and Annuities.** The department is amending sections (1)–(5) and (7)–(9) of this rule. The department is also amending Exhibits A and B of this rule.

**PURPOSE:** This amendment changes the terms “agent” and “broker” to “insurance producer.”

(1) Purpose. The purpose of this rule is to—

(A) Regulate the activities of insurers[, **agents and brokers**] and **insurance producers** with respect to the replacement of existing life insurance and annuities; and

(2) Definition of Replacement. Replacement means any transaction in which new life insurance or a new annuity is to be purchased, and it is known or should be known to the proposing **[agent or broker] insurance producer** or to the proposing insurer if there is no **[agent] insurance producer**, that by reason of that transaction, existing life insurance or annuity has been or is to be—

(3) Other Definitions.

(A) Conservation means any attempt by the existing insurer or its **[agent or broker] insurance producer** to dissuade a policyowner from the replacement of existing life insurance or annuity. Conservation does not include routine administrative procedures such as late payment reminders, late payment offers or reinstatement offers.

(B) Direct-response sales means any sale of life insurance or annuity where the insurer does not utilize an **[agent] insurance producer** in the sale or delivery of the policy.

(4) Exemptions. Unless otherwise specifically included, this rule shall not apply to transactions involving—

(E) Transactions where the replacing insurer and the existing insurer are the same or are subsidiaries or affiliates under common ownership or control; provided, however, **[agents or brokers] insurance producers** proposing replacement shall comply with the requirements of subsection (5)(A);

(5) Duties of **[Agents and Brokers] Insurance Producers**.

(A) Each **[agent or broker] insurance producer** who initiates the application shall submit to the insurer to which an application for life insurance or annuity is presented, with or as part of each application—

1. A statement signed by the applicant as to whether replacement of existing life insurance or annuity is involved in the transaction; and

2. A signed statement as to whether the **[agent or broker] insurance producer** knows replacement is or may be involved in the transaction.

(B) Where a replacement is involved, the **[agent or broker] insurance producer** shall—

1. Present to the applicant, not later than at the time of taking the application, a “Notice Regarding Replacement” in the form as described in Exhibit A, **included herein**, or other substantially similar form approved by the director. The notice shall be signed by both the applicant and the **[agent or broker] insurance producer** and left with the applicant;

2. Obtain with or as part of each application a list of all existing life insurance or annuity to be replaced, or both, and properly identified by name of insurer, the insured and contract number. If a contract number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed;

3. Leave with the applicant the original or a copy of written or printed communications used for presentation to the applicant; and

4. Submit to the replacing insurer with the application a copy of the replacement notice provided pursuant to paragraph (5)(B)1.

(C) Each *[agent or broker] insurance producer* who uses written or printed communications in a conversation shall leave with the applicant the original or a copy of the materials used.

(7) Duties of Insurers That Use *[Agents or Brokers] Insurance Producers*. Each insurer that uses an *[agent or broker] insurance producer* in a life insurance or annuity sale shall—

(A) With or as part of each completed application for life insurance or annuity, require a statement signed by the *[agent or broker] insurance producer* as to whether s/he knows replacement is or may be involved in the transaction;

(B) Where a replacement is involved—

1. Require from the *[agent or broker] insurance producer* with the application for life insurance or annuity—1) a list of all of the applicant's existing life insurance or annuity to be replaced and 2) a copy of the replacement notice provided the applicant pursuant to paragraph (5)(B)1. The existing life insurance or annuity shall be identified by name of insurer, insured and contract number. If a number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed;

2. Send to each existing insurer a written communication advising of the replacement of proposed replacement and the identification information obtained pursuant to paragraph (7)(B)1. and a policy summary or ledger statement containing policy data on the proposed life insurance or annuity. Life insurance cost index and equivalent level annual dividend figures need not be included in the policy summary or ledger statement. This written communication shall be made within five (5) working days of the date the application is received in the replacing insurer's home or regional office or the date the proposed policy or contract is issued, whichever is sooner; and

3. Each existing insurer or the insurer's *[agent or broker] insurance producer*, that undertakes a conversation, within twenty (20) days from the date the written communication plus the materials required in paragraphs (7)(B)1. and 2. is received by the existing insurer, shall furnish the policyowner with a policy summary for the existing life insurance or a ledger statement containing policy data on the existing policy annuity, or both. All information in the policy summary or ledger statement relating to premiums, cash values, death benefits and dividends shall be computed from the current policy year of the existing life insurance. The policy summary shall include the amount of any outstanding indebtedness, the sum of any dividend accumulations or additions and may include any other information that is not in violation of any rule or statute. Life insurance cost index and equivalent level annual dividend figures need not be included in the policy summary. The replacing insurer may request the existing insurer to furnish it with a copy of the summaries;

(C) As the replacing insurer, maintain evidence of the "Notice Regarding Replacement," the policy summary, the contract summary and any ledger statements used and a replacement register, cross-indexed, by replacing *[agent] insurance producer* and existing insurer to be replaced. The existing insurer shall maintain evidence of policy summaries, contract summaries or ledger statements used in any conversation. Evidence that all requirements were met shall be maintained for at least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is earlier; and

(8) Duties of Insurers With Respect to Direct Response Sales.

(B) If the insurer proposed the replacement, it shall—

1. Provide to applicants or prospective applicants with or as a part of the application a replacement notice as described in Exhibit B, included herein, or other substantially similar form approved by the director;

2. Request from the applicant with or as part of the application, a list of all existing life insurance or annuity to be replaced and properly identified by name of insurer and insured; and

3. Comply with the requirements of paragraph (7)(B)2., if the applicant furnishes the names of the existing insurers and the requirements of subsection (7)(C), except that it need not maintain a replacement register.

(9) Penalties.

(A) Any insurer, *[agent] insurance producer*, representative, officer or employee of that insurer failing to comply with the requirements of this rule shall be subject to those penalties as may be appropriate under the insurance laws.

(B) Patterns of action by policyowners who purchase replacing policies from the same *[agent or broker] insurance producer*, after indicating on the application that replacement is not included, shall be deemed *prima facie* evidence of the *[agent's or broker's] insurance producer's* knowledge that replacement was intended in connection with the sale of those policies and the patterns of action shall be deemed *prima facie* evidence of the *[agent's or broker's] insurance producer's* intent to violate this rule.

Exhibit A  
Replacement Notice  
Replacing Your Life Insurance Policy or Annuity?

Are you thinking about buying a new policy and discontinuing or changing an existing policy? If you are, your decision could be a good one—or a mistake. You will not know for sure unless you make a careful comparison of your existing policy and the proposed policy.

Make sure you understand the facts. Ask the company or *[agent]* **insurance producer** that sold you your existing policy to provide you with a policy summary statement.

The reverse side contains a check list of some of the items you should consider in making your decision. TAKE TIME TO READ IT.

Do not let one *[agent]* **insurance producer** or insurer prevent you from obtaining information from another *[agent]* **insurance producer** or insurer which may be to your advantage.

Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.

We are required to notify your existing company that you may be replacing their policy.

_____ Applicant's Signature	_____ Date	_____ <i>[Agent's]</i> <b>Insurance Producer's</b> Signature	_____ Date
_____		_____	
_____		_____	
_____ Applicant's Name and Address (printed)		_____ <i>[Agent's]</i> <b>Insurance Producer's</b> Name, Address, Telephone Number and License Number (printed)	

ORIGINAL TO APPLICANT  
COPY TO REPLACING INSURER—COPY TO REPLACED INSURER

ITEMS TO CONSIDER

1. If the policy coverages are basically similar, premiums for a new policy may be higher because rates increase as your age increases.

2. Cash values and dividends, if any, may grow slower under a new policy initially because of the initial costs of issuing a policy.

3. Your present insurance company may be able to make a change on terms which may be more favorable than if you replace existing insurance with new insurance.

4. If you borrow against an existing policy to pay premiums on a new policy, death benefits payable under your existing policy will be reduced by the amount of any unpaid loan, including unpaid interest.

5. Current interest rates are not guaranteed. Guaranteed interest rates are usually considerably lower than current rates. What rates are guaranteed?

6. Are premiums guaranteed or subject to change—up or down?
7. Participating policies pay dividends that may materially reduce the cost of insurance over the life of the contract. Dividends, however, are not guaranteed.

8. **CAUTION**, you are urged not to take action to terminate, assign or alter your existing life insurance coverage until after you have been issued the new policy, examined it and have found it to be acceptable to you; and

**REMEMBER**, you have twenty (20) days following receipt to examine the contents of any individual life insurance policy or annuity. If you are not satisfied with it for **any** reason, you have the right to return it to the insurer at its home or branch office, or to the *[agent]* **insurance producer** through whom it was purchased, for a full refund of premium.

**EXHIBIT B**  
*(Name, address and telephone number of the insurance company)*  
**Important Notice Regarding Replacement  
of Life Insurance**

You have indicated that you intend to replace an existing life insurance policy or policies in connection with the purchase of our life insurance policy. As a result, we are required to send you this notice. Please read it carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and your existing insurance coverage.

You may want to contact your existing life insurance company or its *[agent]* **insurance producer** for additional information and advice or discuss your purchase with other advisors. The information you receive should be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy, you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which the issuing company could [contest the policy because of a material misrepresentation or omission concerning the medical information requested in your application, or]\* deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you should understand that in the event of your death, the amount of unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

\* \* \* \* \*

(Additional paragraph if a twenty **(20)**-day money-back guarantee is provided by the insurer.)

After we have issued your policy, you will have twenty (20) days from the date the new policy is received by you to notify us you are cancelling the policy issued on your application and you will receive back all payments you made to us.

\* \* \* \* \*

You are urged not to take action to terminate or alter your existing life insurance coverage until you have been issued the new policy, examined it and found it acceptable to you.

\* \* \* \* \*

\*Use bracketed language only when the application asks health questions.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.060. Original rule filed Jan. 5, 1970, effective Jan. 15, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 5—Advertising**

#### **PROPOSED AMENDMENT**

**20 CSR 400-5.500 Life Insurance Sold to College Students.** The department is amending the Purpose clause and sections (1) and (2) of this rule.

**PURPOSE:** This amendment changes the terms “agents,” “broker,” and “agency” to “insurance producer.”

**PURPOSE:** This rule explains the practice which must be followed by [agents and brokers] **insurance producers** who sell or present plans of life insurance to college students. This rule was adopted pursuant to the provisions of section 374.045, RSMo and implements section 375.936, RSMo.

(1) The rule and procedures following will apply to all insurers/[agents and brokers,] and **insurance producers** who sell or present plans of college life insurance to undergraduates and graduate students throughout Missouri:

(D) Down payments shall be made in cash or by check and may not be paid or advanced by the producing [agent or broker] **insurance producer**;

(G) The receipt or acceptance form mentioned in subsection (1)(F) shall be registered by a number corresponding to the policy number in the home office; the forms shall not be distributed to field representatives or [agents] **insurance producers** but are to be furnished from and by the home office when sending the policy to the producing [agent] **insurance producer**;

(H) If the promissory note of the insured is sold or discounted to a third party by either the company or the [producing agent or agency] **insurance producer**, the transferor must inform the insured of the sale or transfer within thirty (30) days of same. The notice may invite questions as to whether the terms and conditions for payment are modified, but if applicable, must explain that the policy is security for payment for the note;

(J) [Agents] **Insurance producers** or field representatives of the company who are licensed by this state to represent the company as licensed life [agents] **insurance producers** may not represent, refer to or hold themselves out to the public under any special title or as representatives of any special policy or company unless they identify themselves as licensed insurance [agents] **insurance producers**. No person other than a licensed [agent] **insurance producer** shall participate in the transaction, solicitation or effectuation of life insurance with respect to college students in this state;

(L) Notwithstanding the provisions of subsection (1)(K) of this rule, if the Department of Insurance determines, after a prompt and fair investigation, that the company or its [agents] **insurance producers** have violated this rule or materially misrepresented the contract, the policy issued will be cancelled, the applicant released from all obligations and a total refund made of partial or down payments.

(2) The following practices are deemed deceptive and misleading and, if proven after the hearing required by section 375.940, RSMo, shall subject the insurer to the penalties provided by law: Violations by [agents, brokers or agencies] **insurance producers** listed in this rule shall subject them to the penalties now contained in section 375.141, RSMo.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.070. Original rule filed Jan. 2, 1970, effective Jan. 15, 1970. Amended: Filed June 12, 1970, effective July 1, 1970. Amended: Filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 5—Advertising**

#### **PROPOSED AMENDMENT**

**20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty Association.** The department is amending sections (1) and (2) and Appendix One of this rule.

**PURPOSE:** This amendment changes the term “agent” to “insurance producer.”

(1) Effective May 31, 1989 no insurer may deliver a policy or contract described in section 376.717.2f./, RSMo to a policy or contract



holder unless a copy of the notice set out in Appendix One is given to the policy or contract holder before or at the time of delivery. If the policy or contract is excluded under section 376.717.3[.], RSMo, the notice set out in Appendix One, **which is included herein**, does not need to be delivered to the policy or contract holder.

(2) No insurer or *[agent]* **insurance producer** may deliver a contract or policy described in section 376.717.2[.], RSMo and excluded under section 376.717.3[.], RSMo from coverage under the provisions of sections 376.715–376.758, RSMo unless the insurer or *[agent]* **insurance producer**, prior to or at the time of delivery, gives the policy or contract holder a copy of the notice set out in Appendix Two, **included herein**.

**APPENDIX ONE**  
**NOTICE CONCERNING COVERAGE**  
**LIMITATIONS AND EXCLUSIONS UNDER THE LIFE AND**  
**HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

Residents of this state who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the Missouri Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the guaranty association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the guaranty association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well-managed and financially stable.

The Missouri Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Missouri. You should not rely on coverage by the Missouri Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy. Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus. Insurance companies or their */agents/* **insurance producers** are required by law to give or send you this notice. However, insurance companies and their */agents/* **insurance producers** are prohibited by law from using the existence of the guaranty association to induce you to purchase any kind of insurance policy. **YOU MAY CONTACT EITHER THE ASSOCIATION OR THE MISSOURI DEPARTMENT OF INSURANCE AT THE FOLLOWING ADDRESSES SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE.**

The Missouri Life and Health Insurance Guaranty Association  
520 Dix Road, Suite D  
Jefferson City, MO 65109

Missouri Department of Insurance  
P/.O./ Box 690  
Jefferson City, MO 65102-0690

The state law that provides for this safety-net coverage is called the Missouri Life and Health Insurance Guaranty Association Act. On the back of this page is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law; nor does it in any way change anyone's rights or obligations under the Act or the rights or obligations of the guaranty association.

(please turn to back of page)

Generally, persons will be covered if they live in this state, and hold a life or health insurance contract or annuity, or a certificate under a group policy or contract. However, not all individuals with a right to recover under life or health insurance policies or annuities are protected by the Act. A person is not protected when—

1. The person is eligible for protection under the laws of another state;
2. The person purchased the insurance from a company that was not authorized to do business in this state;
3. The policy is issued by an organization which is not a member insurer of the association; or
4. The person does not live in this state, except under limited circumstances.

Additionally, the Association may not provide coverage for the entire amount a person expects to receive from the policy. The Association does not provide coverage for any portion of the policy where the person has assumed the risk, for any policy of reinsurance (unless an assumption certificate was issued), for interest rates that exceed a specified average rate, for employers' plans that are self-funded, for parts of plans that provide dividends or credits in connection with the administration of policy, or for unallocated annuity contracts (which are generally issued to pension plan trustees). The Act also limits the amount the Association is obligated to pay persons on various policies. The Association does not pay more than the amount of the contractual obligation of the insurance company. The Association does not have to pay more than three hundred thousand dollars (\$300,000) in death benefits for any one life regardless of the number of policies that insure that life. The Association does not have to pay amounts over one hundred thousand dollars (\$100,000) in cash surrender or withdrawal benefits on one life regardless of the number of policies insuring that individual. For health insurance benefits, the Association is not obligated to pay over one hundred thousand dollars (\$100,000) including net cash surrender and withdrawal benefits. On an annuity contract, the Association is not liable for over one hundred thousand dollars (\$100,000) in present value. Finally, the Association is never obligated to pay more than a total of three hundred thousand dollars (\$300,000) for any one insured for any combination of insurance benefits.

#### **APPENDIX TWO NOTICE**

This policy or contract is not covered by the Missouri Life and Health Insurance Guaranty Association. If the company providing this policy or contract is unable to meet its obligation by reason of insolvency or financial impairment, the fund(s) of the Missouri Life and Health Insurance Guaranty Association will not be available to protect the policy or contract holder or his/her beneficiaries, payees or assignees.

**AUTHORITY:** section 374.045.112, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.290. Original rule filed Sept. 6, 1988, effective April 1, 1989. Amended: Filed Dec. 1, 1989. Amended: Filed Dec. 1, 1989, effective May 1, 1990. Emergency amendment filed April 30, 1990, effective May 10, 1990, expired Aug. 7, 1990. Amended: Filed April 30, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 5—Advertising**

#### **PROPOSED AMENDMENT**

**20 CSR 400-5.700 Accident and Sickness Insurance Advertising.** The department is amending sections (2), (12), and (15) of this rule.

**PURPOSE:** This amendment changes the terms “agent” and “broker” to “insurance producer,” and the term “insured” to “insurer.”

#### **(2) Definitions.**

(A) An advertisement for the purpose of these rules shall include:

1. Printed or published material, audiovisual material and descriptive literature used by or on behalf of an insurer in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays;

2. Descriptive literature and sales aids of all kinds issued by an insurer, [agent or broker] insurance producer for presentation to members of the insurance buying public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and lead-generating devices of all kinds as defined in this rule; and

3. Prepared sales talks, presentations and material for use by [agents or brokers] insurance producers whether prepared by the insurer or the [agent or broker] insurance producer.

(F) Invitation to inquire for the purpose of these rules shall mean an advertisement having as its objective the creation of a desire to inquire further about the product and which is limited to a brief description of the loss for which the benefit is payable and which may contain the dollar amount of benefit payable or the period of time during which the benefit is payable, or both. The advertisement shall not refer to cost. An advertisement which specifies either the dollar amount of benefit payable or the period of time during which the benefit is payable shall conspicuously contain a provision substan-

tially as follows: “For costs and further details of the coverage, including exclusions, any reductions or limitations and the terms under which the policy may be continued in force, see your [agent/ insurance producer or write the company.”

#### **(12) Identity of Insurer.**

(C) No advertisement in the form of envelopes or stationery of any kind may use any name, service mark, slogan or symbol or any device in a manner that implies that the insurer or the policy advertised, or that any [agent] insurance producer who may call upon the consumer in response to the advertisement is connected with a governmental agency, such as the Social Security Administration.

(D) An [agent or broker] insurance producer who makes contact with a consumer, as result of acquiring that consumer’s name from a lead-generating device must disclose this fact in the initial contact with the consumer.

(15) Statements About an [Insured] Insurer. An advertisement shall not contain statements which are untrue in fact, or by implication misleading, with respect to the assets, corporate structure, financial standing, age or relative position of the insurer in the insurance business. An advertisement shall not contain a recommendation by any commercial rating system unless it clearly indicates the purpose of the recommendations and the limitations of the scope and extent of the recommendation.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-14.040. This version of rule filed July 27, 1964, effective Aug. 6, 1964. Amended: Filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 7—Health Maintenance Organizations**

#### **PROPOSED AMENDMENT**

**20 CSR 400-7.030 Mandatory Provisions—All Contracts.** The department is amending section (10) of this rule.

**PURPOSE:** This amendment changes the term “agent” to “insurance producer.”

(10) Entire Contract, Amendments. A provision stating that the contract and any attachments constitute the entire contract between the parties and that, to be valid, any change in the contract must be approved by an officer of the HMO and attached to the affected contract and that no *[agent]* **insurance producer** or representative has the authority to change the contract or waive any of the provisions.

**AUTHORITY:** section 374.045, *RSMo 2000*. This rule was previously filed as 4 CSR 190-15.090. Original rule filed Nov. 2, 1987, effective April 11, 1988. Amended: Filed Nov. 3, 1992, effective Jan. 1, 1994. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 400—Life, Annuities and Health**

#### **Chapter 7—Health Maintenance Organizations**

#### **PROPOSED AMENDMENT**

**20 CSR 400-7.050 Additional Mandatory Provisions—Individual Contracts and Evidences of Coverage.** The department is amending section (3) of this rule.

**PURPOSE:** This amendment changes the term “agent” to “insurance producer.”

(3) Ten (10) Days to Examine Agreement. A provision stating that the enrollee to whom the evidence of coverage is issued shall be permitted to return the evidence of coverage within ten (10) days of receiving it and have the premium paid refunded to them if, after examination of the agreement, the enrollee is not satisfied with it for any reason. If the enrollee, pursuant to provision, returns the evidence of coverage to the issuing health maintenance organization (HMO) or to the *[agent]* **insurance producer** or representative through whom it was purchased, it is considered void from the beginning and the parties are in the same position as if no evidence of coverage had been issued. If services are rendered or claims paid by the HMO during the ten (10) days, the person shall not be permitted to return the contract and receive a refund of the premium paid.

**AUTHORITY:** section 374.045, *RSMo 2000*. This rule was previously filed as 4 CSR 190-15.110. Original rule filed Nov. 2, 1987, effective April 11, 1988. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 500—Property and Casualty**

#### **Chapter 1—Property and Casualty Insurance in General**

#### **PROPOSED AMENDMENT**

**20 CSR 500-1.100 Standard Fire Policies.** The department is amending sections (2) and (3) and Exhibit A of this rule.

**PURPOSE:** This amendment changes the term “agent” and “broker” to “insurance producer.”

**PUBLISHER’S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(2) Mandated Changes to Standard Fire Policy.

(A) These provisions shall apply to all fire insurance policies issued or renewed pursuant to sections 375.001–375.008, 379.160 and 379.810–379.880, *RSMo* after August 7, 1964:

1. That portion of the 1943 Standard Fire Insurance Policy for New York which gives “the insured five (5) days’ written notice of cancellation” on line 62 of the policy form shall be given no effect where contained within a policy designated as the “Standard Fire Insurance Policy for Missouri” insuring property located in this state, except as stated in paragraph (2)(A)2. of this regulation.

2. The language in the 1943 Standard Fire Insurance Policy for New York contained in lines 60–67 shall be superseded with the following language printed anywhere on this policy or amendatory endorsement: “This policy may be canceled, not renewed, reduced in amount or adversely modified at any time by the company by giving to the insured thirty (30) days’ written notice of such action with or without tender of the excess of paid premium above the *pro rata* premium for the expired time, which excess, if not tendered, shall be refunded on demand. Only ten (10) days notice is required where

such action is based upon non-payment of premium or evidence of incendiarism by the insured."

3. The language in lines 141-147 of the 1943 Standard Fire Insurance Policy for New York relating to "company's options" shall be superseded by the following or equivalent language: "Upon partial destruction or damage to insured property, this company shall pay the insured a sum of money equal to the damage done or repair the same to the extent of such damage, not exceeding the amount written in the policy, so that said property shall be in as good condition as before the fire, at the option of the insured, pursuant to section 379.150, RSMo 1986."

4. The language in lines 123-140 of the 1943 Standard Fire Insurance Policy of New York relating to "appraisal" shall be superseded by the following or equivalent language: "In case the insured and this company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty (20) days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for fifteen (15) days to agree upon such umpire, then, on request of the insured or this company, such umpire shall be selected by a judge of a court of record in the state and county (or city if the city is not within a county) in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. The umpire shall make the award within thirty (30) days after the umpire receives the appraisers' submissions of their differences. An award in writing, so itemized, of any two (2) when filed with this company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting such appraiser and the expenses of appraisal and umpire shall be paid by the parties equally."

(3) Cancellation.

(A) Any notice of cancellation, nonrenewal, reduction in amount or adverse modification must state the following:

1. That the insured may contact his/her *[agent or broker]* **insurance producer** for coverage;
2. The name, address and telephone number of the Missouri Property Insurance Placement Facility;
3. The reason for cancellation, nonrenewal, reduction in amount or adverse modification; and
4. That any excess premium not tendered must be refunded within thirty (30) days of this notice. Exhibit A contains a model notice which may be varied if the required information is equally prominent in any substitute form of notice.

**EXHIBIT A**  
**Company Letterhead**

Policy Number(s) \_\_\_\_\_

Expiration Date \_\_\_\_\_

Insured Premises Location \_\_\_\_\_

This is our office notice that the coverages afforded by the above-numbered policies will be:

Cancelled

☐ Not Renewed

☐ Reduced in Amount

☐ Adversely Modified as Follows:

EFFECTIVE: 12:01 A.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,

SPECIFIC REASON FOR TAKING ACTION SHOWN ABOVE:

If you wish to secure coverages from another insurance carrier, contact your *[agent or broker]* **insurance producer** immediately. You or your *[agent]* **insurance producer** may also apply to the Missouri Property Insurance Placement Facility for insurance coverages. Application may be made by mail or in person to the following address:

**MISSOURI PROPERTY INSURANCE  
PLACEMENT FACILITY**

906 Olive Street, Suite 1000

St. Louis, *[Missouri]* MO 63101

Phone (314) 421-0170

Any excess premium must be refunded within thirty (30) days.

Yours truly,

cc: *[Agent]* **Insurance Producer**

cc: Mortgagee

*AUTHORITY: section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-16.060. The version of rule filed July 27, 1964, effective Aug. 7, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 500—Property and Casualty**  
**Chapter 1—Property and Casualty Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 500-1.300 Use of Binders.** The department is amending the Purpose clause of this rule.

**PURPOSE:** *This amendment changes the term "agents" to "insurance producers."*

**PURPOSE:** *This regulation prohibits [agents] insurance producers from binding insurance to provide rate advantages. This regulation was adopted pursuant to the provisions of section 374.045, RSMo and implements sections 379.318 and 379.470, RSMo.*

**AUTHORITY:** *section 374.045, RSMo [1994] 2000. This rule was previously filed as 4 CSR 190-16.030. This version of rule filed July 27, 1964, effective Aug. 7, 1964. Amended: Filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Jan. 28, 1975, effective Feb. 20, 1975. Amended: Filed Jan. 9, 1990, effective May 1, 1990. Amended: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 1—Property and Casualty  
Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 500-1.700 Motor Vehicles and Goods as Collateral.** The department is amending sections (4), (5), (6), and (7) of this rule.

**PURPOSE:** *This amendment changes the term "agent" and "broker" to "insurance producer."*

(4) Consumers' Rights.

(A) The consumer shall not be required to obtain insurance from any particular insurer nor through any particular [agent] insurance producer or representative of a company as a condition precedent to the granting of a loan. No insurer shall participate or knowingly allow its [agents] insurance producers to participate in a scheme of requirements.

(5) Rates.

(B) No rate charged for any policy written within the scope of this regulation shall be discriminatory against credit insureds as members of a class compared with insureds having the same hazard who may purchase equivalent coverage independent of the credit transaction.

These rates shall not be excessive when viewed in conjunction with any restrictions upon effective competition imposed by any creditor and [agent] insurance producer.

(6) Statement Required. No insurer shall write credit-connected insurance within the scope of this regulation unless the consumer executes as part of his/her application for coverage the following statement or similar statement approved by the director of the Department of Insurance: "I understand that I am free to insure my \_\_\_\_\_ (auto, motorcycle or furniture) with whatever licensed company[, agent or broker] or insurance producer I may choose; that I may do so at any time after the date of this loan; that I have not cancelled existing insurance on my \_\_\_\_\_ if I owned it before this loan; and that this loan cannot be denied me simply because I did not purchase my insurance through the lender or seller."

(7) Training Required. Any insurance company engaging in coverage subject to this regulation shall be responsible for the education and training of its [agents] insurance producers operating in connection with credit institutions to insure that they are fully knowledgeable of the contents of this regulation and any other pertinent insurance laws and regulations. Each company shall be responsible for the continuing training and supervision of the activities of its [agents] insurance producers placing that business.

**AUTHORITY:** *section 374.045, RSMo [1994] 2000. This rule was previously filed as 4 CSR 190-16.140. Original rule filed Aug. 12, 1974, effective Aug. 22, 1974 as Regulation 10.9. Amended: Filed Aug. 4, 1989, effective Dec. 1, 1989. Amended: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 2—Automobile Insurance**

**PROPOSED AMENDMENT**

**20 CSR 500-2.300 Cancellation and Nonrenewal of Automobile Insurance.** The department is amending sections (2) and (6) of this rule.

**PURPOSE:** This amendment changes the term “agent” to “insurance producer.”

(2) Statutory Standards for Applicants.

(B) No insurer or its *[agent]* **insurance producer** or representative may ask any applicant, policyholder or operator whether any other insurer has cancelled, refused to write or refused to renew a policy of automobile insurance to the person. This information may not be obtained indirectly through contacts with an applicant’s prior insurer. Questions which seek information as to whether any other insurer has cancelled, refused to write or refused to renew a policy of automobile insurance may appear on an automobile insurance application form only if a prominent disclaimer appears immediately alongside of or below the question stating that “This question cannot be asked in the state of Missouri.”

(6) Joint Underwriting Association.

(A) Any notice of cancellation, nonrenewal or refusal to write a policy must contain the following notice or a notice substantially similar to: “You may obtain automobile insurance through the Missouri Joint Underwriting Association (JUA) if you qualify. We urge you to contact any *[agent]* **insurance producer** of your choice immediately for further information.”

(B) Insurers may substitute as the second sentence of the notice the following: “We urge you to contact your (insert company name) *[agent]* **insurance producer** or any other *[agent]* **insurance producer** of your choice immediately for further information.”

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-17.050. Original rule filed Feb. 26, 1975, effective March 8, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 500—Property and Casualty**  
**Chapter 2—Automobile Insurance**

**PROPOSED AMENDMENT**

**20 CSR 500-2.400 Vendors’, Lenders’, Single Interest.** The department is amending sections (2) and (3) of this rule.

**PURPOSE:** This amendment changes the terms “agent,” “broker,” and “agency” to “insurance producer.”

(2) Consumers’ Rights. The debtor or consumer, as defined in 20 CSR 500-1.700, shall be vested by the insurance company with all those rights described in section (4) of that regulation. These specifically include the rights of substitution, free choice of insurer and *[agent]* **insurance producer** and refund upon cancellation. A full and fair disclosure of those rights must accompany the notice to provide insurance.

(3) Notice Required.

(A) In the event acceptable insurance is not provided by the debtor at or before the consummation of the credit transaction or the provided insurance is cancelled, the creditor shall give the debtor written notice of requirement to provide insurance. This notice shall be delivered by first-class mail to the last known address of the debtor or in person and shall contain the following information:

1. That the security instrument requires a specified amount and type of insurance on the collateral, including a loss payable clause for the benefit of the creditor;

2. That this insurance has not been received by the creditor;

3. That the debtor may obtain the required insurance from any *[agent or broker]* **insurance producer** duly licensed in Missouri s/he may choose and from any company authorized to do business in Missouri;

4. That if the insurance is not received within thirty (30) days, the creditor will obtain insurance to protect the interest of the creditor and charge the debtor, including applicable finance charges at the same rate that the security instrument calls for pertaining to the underlying indebtedness; and

5. That the policy obtained by the creditor will not provide bodily injury nor property damage liability insurance.

(C) Each insurance company, reciprocal, interinsurance exchange or other legal entity doing business subject to this regulation shall be responsible for the continuing training and actions of its *[agents and agencies]* **insurance producers**, as stated in 20 CSR 500-4.100(7).

**AUTHORITY:** section 374.045, RSMo [1994] 2000. This rule was previously filed 4 CSR 190-17.080. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.



**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 4—Rating Laws**

**PROPOSED AMENDMENT**

**20 CSR 500-4.100 Rate Regulatory Law Interpretations.** The department is amending section (7) of this rule.

*PURPOSE: This amendment changes the term “agent” to “insurance producer.”*

(7) Commercial Individual Risk Premium Modification Plans and Schedule Rating Plans.

(D) All debits and all credits based on individual risk characteristics, and all additional credits based on reduction of expenses shall be based on evidence that is contained in the file of the insurer at the time the debit or credit is applied.

1. Evidence supporting the basis for any rating credit or debit shall be retained by the insurer for the policy term plus two (2) calendar years, in accordance with section 374.205, RSMo.

2. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882, RSMo, for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any schedule rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured containing information that any inquiry by the insured concerning the increased premium may be directed to the insurer or the insurer's *[agent] insurance producer*.

3. Upon receipt of a request as described in paragraph (7)(D)2. above, the insurer, directly or through the insurer's *[agent] insurance producer*, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a schedule rating credit or increase in a schedule rating debit which is applied to the policy. This response must be provided to the insured within ten (10) calendar days of the insurer or the insurer's *[agent] insurance producer* receiving the request. A copy of the request from the insured and the written notice to the insured shall be contained in the file of the insurer, remaining there for not less than the duration of the policy term plus two (2) calendar years in accordance with section 374.205, RSMo.

*AUTHORITY: section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-16.040. This version of rule filed Dec. 5, 1969, effective Dec. 15, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 4—Rating Laws**

**PROPOSED AMENDMENT**

**20 CSR 500-4.300 Rate Variations (Consent Rate) Prerequisites.** The department is amending subsection (2)(B), and Exhibits A and B of this rule.

*PURPOSE: This amendment changes the term “agent” to “insurance producer.”*

(2) Recordkeeping Requirements.

(B) Exhibits A and B, **included herein**, or forms substantially similar may be prepared by each company concerned.

**EXHIBIT A**  
**State of Missouri Department of Insurance**  
(Complete in duplicate)

NAME OF COMPANY \_\_\_\_\_

INDICATE LINE OF BUSINESS

For Audit &amp; Examination Use Only

Automobile \_\_\_\_\_

Audit Information:

Fire \_\_\_\_\_

Liability \_\_\_\_\_

1. Name of Insured \_\_\_\_\_

Mailing Address \_\_\_\_\_

2. Property or other risk insured \_\_\_\_\_

Location (if fixed) \_\_\_\_\_

3. Coverage involved and Code  
or Classification \_\_\_\_\_4. Specific Reasons for Special Rating  
(Use reverse, if necessary)5. 

Standard Filed Rates	Proposed New Rates (or filed if substandard)
<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div>	<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div>

6. Policy Effective Date \_\_\_\_\_

Policy Expiration Date \_\_\_\_\_

7. Policy Number \_\_\_\_\_

8. (I understand that rates charged are not standard and accept this cost).

Insured's Signature \_\_\_\_\_

Date \_\_\_\_\_

9. *[Agent's]* Insurance Producer's Signature \_\_\_\_\_

Date \_\_\_\_\_

10. Company Officer's Signature \_\_\_\_\_

Date \_\_\_\_\_

(Company officer certifies that company and */agent/* insurance producer are licensed for business written)

**EXHIBIT B**  
**State of Missouri Department of Insurance**  
(Complete in duplicate)

NAME OF COMPANY \_\_\_\_\_

Total Special Rating Policies \_\_\_\_\_, \_\_\_\_\_  
Month Year Total

Total Special Rating Policies (By line of business) in \_\_\_\_\_, \_\_\_\_\_:  
Month Year

Automobile \_\_\_\_\_

Fire \_\_\_\_\_

Liability \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Individual Listing of Policy Number by Line of Business:  
(Attach extra page if necessary)

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-16.080. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 500—Property and Casualty**

#### **Chapter 4—Rating Laws**

### **PROPOSED RESCISSION**

**20 CSR 500-4.400 Fee Charges for Procurement of Property and Casualty, Automobile and Excess Insurance.** This rule expressed that the standard that the direct cost of insurance to the consumer should be stated only as premium.

**PURPOSE:** The department is rescinding this rule and replacing it with a new rule, namely 20 CSR 700-1.150 *Incidental Fees Charged by Insurance Producers*, which is set forth in this issue of the *Missouri Register*.

**AUTHORITY:** sections 374.045, 375.031, 375.116, 379.318, 379.356 and 379.470, RSMo 1986 and 375.041, RSMo Supp. 1992. This rule was previously filed as 4 CSR 190-16.130. Original rule filed Aug. 12, 1974, effective Aug. 22, 1974. Amended: Filed July 10, 1990, effective March 14, 1991. Rescinded: Filed July 12, 2002.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rescission at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rescission, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 500—Property and Casualty**

#### **Chapter 6—Workers' Compensation and Employer's Liability**

### **PROPOSED AMENDMENT**

**20 CSR 500-6.100 Policy and Endorsement Forms.** The department is amending sections (1) and (9) of this rule.

**PURPOSE:** This amendment changes the term "agents" to "insurance producers."

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) All Workers' Compensation and employers' liability policy forms must be submitted to the Department of Insurance for specific approval. All endorsements attached to or made a part of the basic policy which have not been submitted by a filing agency on behalf of its members and subscribers must be submitted by each company. **The policy and endorsement forms are incorporated by reference herein.**

(9) For those companies issuing participating policies, neither the company nor its *[agents]* **insurance producers** shall guarantee or promise to a policyholder or prospective policyholder the amount or percentage of dividends to be paid.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-18.010. This version of rule filed July 27, 1964, effective Aug. 6, 1964. Amended: Filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Oct. 30, 1974, effective Nov. 9, 1974. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.100 Life and Accident and Sickness.** The department is amending sections (2), (6), (7), and (11) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer" and defines the term "insurance producer."*

(2) Definitions. For the purposes of this regulation the following words shall mean:

(G) *[Agent means agent, agency or broker as defined in section 375.012, RSMo.] Insurance producer means individual insurance producer or business entity.*

(6) Remittance of Premiums. If charges to a debtor are made on a single-premium basis, the proportionate share of the premium collected by a creditor or *[agent/ insurance producer]* and due the insurer shall be remitted to the insurer at the time of the collection of premium from the debtor or as soon thereafter as possible. Premiums must be remitted to and received by the insurer not later than thirty (30) days after the end of the month in which the insurance was sold. Retention of any portion of the premium amount due the insurer by a creditor or *[agent/ insurance producer]* beyond this period shall be considered to be retention for undue periods of time by the creditor or *[agent/ insurance producer]*.

(7) Substitution.

(C) Failure by an *[agent/ insurance producer]* or company to allow proper substitution of policies obtained elsewhere may be considered in determining whether or not the company has conducted its business fraudulently within the meaning of section 375.445, RSMo. It may also constitute a violation of sections 365.080 and 408.280, RSMo, or both.

(11) Licensing.

(A) The following requirements shall apply specifically to insurance subject to this regulation:

1. Where individual (as contrasted to group) credit insurance is utilized, the person in contact with the proposed insured, who offers, solicits or sells the policy must be licensed as an *[agent/ insurance producer]* for the company which issues the insurance policy; and

2. Where group credit insurance is utilized, the person who sells the group master contract to the creditor must be a licensed *[agent/ insurance producer]*. Any person who solicits, negotiates or otherwise procures a policy(ies) of credit life insurance or credit accident and sickness insurance or any combination of credit life and credit accident and sickness insurance, including any person who enrolls debtors under a group contract where an identifiable charge is made to the debtor, in connection with a loan or other credit transaction shall be licensed as an *[agent/ insurance producer]* prior thereto.

*AUTHORITY: section 374.045, RSMo [Supp. 1997] 2000. This rule was previously filed as 4 CSR 190-13.160. Original rule filed Sept. 11, 1975, effective Nov. 15, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.110 Revision of Life and Accident and Sickness Rates.** The department is amending sections (1) and (2) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer" and deletes subsections (2)(B) and (C).*

(1) Regarding credit life insurance—

(D) If the application for a credit life insurance contract or the insurer or its *[agents/ insurance producers]* ask the applicant questions relating to the applicant's health or medical condition, then the insurer shall reduce the premium rates deemed reasonable pursuant to section (1) of this rule by ten percent (10%).

(2) Regarding credit accident and sickness insurance—

*[(B) If the credit accident and sickness insurance contract does not contain any provision for a pre-existing condition, then the insurer may increase the premium rates deemed reasonable pursuant to subsection (2)(A) of this rule by no more than ten percent (10%); and*

*(C) If the application for a credit accident and sickness insurance contract or the insurer or its agents ask the applicant questions relating to the applicant's health or medical condition, then the insurer shall reduce the premium rates deemed reasonable pursuant to subsection (2)(A) of this rule by ten percent (10%).]*

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-13.190. Original ruled filed June 12, 1981, effective Oct. 16, 1981. Amended: Filed Nov. 2, 1993, effective July 10, 1994. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person.*

*Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.200 Property.** The department is amending sections (2)–(6), (8) and (10) of this rule.

*PURPOSE: This amendment changes the terms “agent” and “agency” to “insurance producer.”*

(2) Definitions. The following terms are defined for use in this regulation:

(A) Affiliated *[agent]* **insurance producer** shall mean any *[agent or agency]* **insurance producer** of an insurer who receives any employment remuneration from a dealer or lender or sells insurance primarily to debtors of a dealer or lender group of associated dealers or lenders or whose insurance a dealer or lender controls, directly or indirectly, or regularly designates, recommends, refers or suggests to the buyer that s/he purchase in connection with the negotiation, execution, extension or renewal of a contract;

(D) Lender is any person engaged in the business of making consumer credit loans as defined in section 367.100.2, RSMo and any assignee of a consumer credit loan agreement to include registrants under Chapter 367, RSMo, state banking associations, savings and loan associations, national banking associations to the extent that federal laws do not preempt this regulation, credit unions and any director, officer, employee or *[agent]* **insurance producer** of such a person; and

(3) Sales Only Through Licensed *[Agents]* **Insurance Producers.** All sales of insurance, within the scope of this regulation, must be made through licensed *[agents]* **insurance producers**. All remuneration for the sale of insurance must be in the form of commission paid directly to the *[agent or agency]* **insurance producer** by the insurer. Enrollment of debtors of a creditor under a group contract where a direct charge is made to the debtor for the full insurance premium is declared to be the solicitation of or procurement or making of an insurance contract within the meaning of section 375.012, RSMo.

(4) Written Evidence of Insurance Required. The insurer must deliver to the insured within thirty (30) days of the extension of credit a copy of the policy or the certificate of insurance. This may be done directly or through the insurer's *[agent]* **insurance producer** in the credit institution.

(5) Coverages to be Sold. Only those coverages defined as property insurance in this regulation may be sold by an insurer through an affiliated *[agent]* **insurance producer** in connection with any contract as defined.

(6) Consumers' Rights. Each insurer shall grant and no insurer or affiliated *[agent]* **insurance producer** shall deny any insured the full and free exercise of the following rights:

(A) The consumer shall not be required or coerced to obtain insurance from any particular insurer nor through any particular *[agent]* **insurance producer** or representative of a company as a condition

to entering into a contract. No insurer shall participate or knowingly allow its *[agents]* **insurance producers** to participate in such a scheme or requirements or coercion;

(8) Insurance Sold by a Lender (Chapter 367, RSMo).

(B) No insurer shall sell any coverage through an affiliated *[agent]* **insurance producer** other than the standard fire policy with coverage attachment with extended coverage endorsement and replacement cost provision endorsement.

(10) Rates. It shall be presumed in any review of rates filed with the director that the benefits are reasonable in relation to the premium charged if the premium rates do not exceed those contained in Exhibit A of this regulation, **included herein**. Any insurer filing rates in excess of those contained in Exhibit A must demonstrate that its rates produce or may reasonably be expected to produce a loss ratio of at least sixty percent (60%).

**EXHIBIT A  
HOUSEHOLD CONTENTS  
FIRE INSURANCE**

The rate applicable to credit property insurance shall be \$1.85 per \$1000 of outstanding indebtedness per month. A minimum of \$5.00 shall be allowed.

*AUTHORITY: section 374.045, RSMo [Supp. 1997] 2000. This rule was previously filed as 4 CSR 190-16.110. Original rule filed Sept. 11, 1975, effective Nov. 15, 1975. Amended: Filed Sept. 12, 1975, effective Nov. 15, 1975. Amended: Filed Aug. 14, 1984, effective Jan. 12, 1985. Amended: Filed Dec. 1, 1997, effective May 30, 1998. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

**PROPOSED AMENDMENT**

**20 CSR 700-1.010 [Agents'] Insurance Producers' Examination and Licensing Procedures and Standards.** The department is amending the title, Purpose clause and sections (1)–(5) of this rule.

*PURPOSE: This amendment changes the term "agent" to "insurance producer," and amends the licensing standards, procedures, and fees for insurance producers.*

*PURPOSE: This regulation explains insurance [agents'] producers' licensing standards and procedures. This regulation is promulgated pursuant to section 374.045, RSMo and implements sections 375.012-375.027/025, RSMo.*

(1) Examination Procedures.

(A) Before an individual may be licensed to sell certain classes of insurance, s/he must first take and pass an examination testing both the individual's knowledge regarding the class(es) of insurance the individual proposes to sell and the individual's knowledge of the insurance statutes and regulations. The examination must be taken and passed prior to submitting an application for a license to the Department of Insurance. The classes of insurance for which an examination is required prior to licensure are life insurance, accident and health insurance, fire and allied lines insurance, [and] general casualty insurance, **and personal lines**.

(2) Application Required.

(A) The application required by section 375.018/015, RSMo shall be completed on the form approved by the director of insurance by each applicant for licensure before any license is issued.

(B) Each application shall be accompanied by an application fee of [twenty-five] one hundred dollars [(\$25)] (\$100).

(C) All fees must be paid by money order cashier's check, company check or [agency] business entity check. No fee shall be refundable.

(D) A license will be issued only when the applicant has satisfactorily completed the requirements of sections 375.016/015-375.018, RSMo and of this regulation and the director has not refused to issue the license pursuant to section 375.141.2, RSMo.

(3) Special Licenses.

(A) Variable Contracts. Any licensed life insurance [agent] producer may be licensed to sell variable annuities and variable life insurance policies upon the submission of an application for same and a copy of the [agent's] insurance producer's National Association of Securities Dealers registration or Securities and Exchange Commission certification, and the [twenty-five] one hundred dollar [(\$25)] (\$100) application fee.

(B) Title. A license to sell title insurance shall be issued to any natural person pursuant to section 375.018, RSMo upon receipt of a completed application and the [twenty-five] one hundred dollar [(\$25)] (\$100) application fee.

(C) Credit. A license to sell credit life, credit [accident and health] disability, credit property, [and credit casualty] credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability and guaranteed automobile protection (GAP) shall be issued pursuant to section 375.018, RSMo to any natural person upon receipt of a completed application and a [twenty-five] one hundred dollar [(\$25)] (\$100) application fee.

(D) Travel. A license to write insurance policies covering the risk of travel shall be issued pursuant to section 375.018, RSMo to any natural person upon receipt of a completed application and a [twenty-five] one hundred dollar [(\$25)] (\$100) application fee.

(E) Personal Lines. A license to sell personal lines insurance shall be issued to any natural persons pursuant to section 375.018, RSMo, upon receipt of a completed examination, proof of passing score on examination, and a one hundred dollar (\$100) application fee. A personal lines license shall authorize an individual to sell property and casualty insurance providing coverage for individuals and families for non-commercial purposes. An individual holding a personal lines license shall complete, during each two (2)-year period, the continuing education requirements

for a property and casualty license as defined in section 375.020, RSMo.

(4) Natural persons who are not residents of Missouri may be licensed as [agents] insurance producers in this state upon receipt of a completed application, the certification of the proper official of the [agent's] insurance producer's resident state that s/he is licensed in that state for the lines for which s/he wishes to be licensed in this state, **provided equivalent lines are licensed in this state**, and a [twenty-five] one hundred dollar [(\$25)] (\$100) application fee.

(5) The biennial renewal fee for an [agent's] insurance producer's license is [twenty-five] one hundred dollars [(\$25)] (\$100). An [agent's] insurance producer's license shall be renewed biennially on the anniversary date of issuance and continue in effect until refused, revoked or suspended by the director in accordance with section 375.141, RSMo. If the biennial renewal fee for the license is not paid [within ninety (90) days after the biennial anniversary date] by the expiration date[,], the license terminates [as of ninety (90) days after the biennial anniversary date].

[(A) In those situations where a person is licensed as both an agent and a broker, the director will implement a one (1)-time change in the expiration date of the agent's license such that both licenses will expire on the same date, which date shall coincide with the first renewal date of the broker's license following the expiration date of the agent's license.]

*AUTHORITY: section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-12.020. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**

**Division 700—Licensing**

**Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

**PROPOSED AMENDMENT**

**20 CSR 700-1.020 Activities Requiring Licensure as [Agent or Broker] Insurance Producer.** The department is amending the title, Purpose clause and sections (1)–(4) of this rule.

**PURPOSE:** This amendment changes the terms “agent,” “broker,” and “agency” to “insurance producer,” and amends those activities for which licensure is required.

**PURPOSE:** This rule effectuates and aids in the interpretation of the definition[s] of insurance [agent and broker] **producer** as stated in sections 375.012, RSMo [and 381.031(17), RSMo] by outlining those activities for which licensure is required.

(1) Solicitation of an Insurance Contract.

(A) Unless otherwise specifically provided by section 375.012, RSMo, no person shall solicit an insurance contract in Missouri unless s/he is a licensed insurance company, its employee or an **[agent or broker] insurance producer**.

(B) Solicitation of an insurance contract includes, but is not limited to, the following activities:

1. *[Advising a prospective purchaser on the effects of his/her age, health or other risk-related conditions with respect to purchasing a particular policy]* **Disseminating information as to rates secured by reference to a published or printed list or computer database of standard rates;**

*[2. Counseling any prospective purchaser to buy a particular policy or to insure with a particular company;]*

*[3.]* 2. Initiating sales over the telephone **other than scheduling appointments with insurance producers to discuss insurance;**

*[4.]* 3. Advising an insured to purchase additional insurance when receiving payment for existing business;

*[5.]* 4. Signing an application or an order for insurance; **and**

*[6. Making or proposing to make an insurance contract;*

*7. Counseling a prospective purchaser regarding the terms or rates for a particular policy or policy;]* **and**

*[8.]* 5. Advising a prospective purchaser on the terms of existing coverage.

(C) Solicitation of an insurance contract does not include the following activities:

1. Dispensing brochures and other general information so long as there is no conversation relating to the terms of an insurance contract;

2. Disseminating buyer's guides, applications for coverage, coverage selection forms, or other similar forms in response to a request from prospective or current policyholders;

3. Receiving and recording information from a policyholder to give to an insurance producer for his or her review and response;

4. Scheduling appointments with insurance producers to discuss insurance.

(2) Negotiation of an Insurance Contract.

(A) Unless otherwise specifically provided by section 375.012, RSMo, no person shall negotiate an insurance contract between an insured and a third party in Missouri unless s/he is a licensed insurance company, its employee or an **[agent or broker] insurance producer**.

(B) Negotiation of an insurance contract includes, but is not limited to, the following activities:

1. Advising a prospective purchaser on the premium cost of a proposed contract of insurance, including the quoting of rates;

2. Advising a prospective purchaser on the coverages or terms of a proposed contract of insurance, including counseling as to which coverages to buy; *[or]*

3. Recommending or independently initiating additions or deletions to an insured's policy~~./~~ ;

4. **Explaining the effect of age, health, or other risk-related conditions with respect to purchasing a particular policy;**

5. **Counseling, urging, or advising any prospective purchaser to buy a particular policy or to insure with a particular company; or**

6. **Explaining, discussing, or interpreting coverage, analyzing exposures or policies, or giving opinions or recommendations as to coverage.**

(C) **Negotiation of an insurance contract does not include communicating with the policyholder or prospective policyholder in order to obtain factual information necessary for an insurance producer to complete a review.**

(3) *[Procurement]* Sale of an Insurance Contract.

(A) Unless otherwise specifically provided by section 375.012, RSMo, no person shall *[procure]* **sell** an insurance contract in Missouri unless s/he is a licensed insurance company, its employee or an **[agent or broker] insurance producer**.

(B) *[Procurement]* Sale of an insurance contract includes, but is not limited to, the following activities:

1. Signing binders, certificates of insurance, commitments, endorsements, insurance identification cards and insurance policies;

2. Indicating that the requested coverage is or will be bound or issued; or

3. Issuing certificates of insurance, endorsements, binders, commitments, insurance policies or insurance identification cards except when done by a group policyholder.

(C) **Sale of an insurance contract does not include the following activities:**

1. **Receiving requests for coverage for transmittal to a licensed insurance producer or for processing through an automated system developed and maintained under the supervision of an insurer or licensed insurance producer;**

2. **Receiving and recording information from an applicant or policyholder and preparing an application for insurance pursuant to instructions from and for the review of an insurance producer;**

3. **Obtaining underwriting information from credit agencies, the Department of Revenue, and other insurance agencies and companies;**

4. **Receiving and recording information from an applicant or policyholder and preparing an application for an insurance producer's review and signature, all binders, certificates, endorsements, identification cards, or policies pursuant to instructions from the insurance producer;**

5. **Receiving premiums at the recorded place of business where the payment is being made on a binder, endorsement, or existing policy.**

(4) **Duty to Have Insurance [Agent/Broker] Producer at Each Place of Business.**

(A) Each place of business of an **[agent, broker or agency] insurance producer** must contain the principal office of at least one (1) licensed **[agent or broker] insurance producer**.

(B) A licensed **[agent or broker] insurance producer** shall be held responsible for all insurance-related activities performed by an unlicensed individual under the supervision of that **[agent or broker] insurance producer**.

**AUTHORITY:** section 374.045, RSMo [Supp. 1993] 2000. This rule was previously filed as 4 CSR 190-12.025. Original rule filed Dec. 1, 1989, effective June 30, 1990. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.



**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Insurance Producers**

**PROPOSED RULE**

**20 CSR 700-1.025 Conduct of the Business of Insurance Over the Internet**

**PURPOSE:** This regulation provides general guidelines for the conduct of business in Missouri with Missouri residents over the Internet.

(1) All laws and rules applying to the conduct of the business of insurance apply to the business of insurance conducted over Internet transactions.

(2) Each website or home page of insurance producers or insurance companies shall contain an address and telephone number for contact with the insurance producers or insurance companies.

(3) Each website or home page of insurance producers or insurance companies shall contain a notice of the states in which they are authorized or licensed to do the business of insurance.

**AUTHORITY:** section 374.045, RSMo 2000. Original rule filed July 12, 2002.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rule at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rule, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

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**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

**PROPOSED AMENDMENT**

**20 CSR 700-1.030 Certification Letters Submitted With [Agent's and Broker's] Insurance Producer's License Applications.** The department is amending the title, Purpose clause and sections (1)–(4) of this rule.

**PURPOSE:** This amendment changes the terms “agent” and “broker” to “insurance producer” and amends insurance licensing standards and procedures.

**PURPOSE:** This regulation provides the definition of a certification letter and aids and effectuates licensing standards and procedures as outlined in section 375.[018.2(1)]017.2, RSMo.

(1) [A certification letter as used in this rule is a statement from an agent's or broker's resident state certifying that the agent or broker is licensed in that state and is in good standing with that state. The statement also includes the signature of the head of that resident state's insurance regulatory agency and his/her official seal] If the home state of an applicant for a nonresident license participates in the National Association of Insurance Commissioners (NAIC) Producer Database, the department, through the Producer Database, will verify the applicant's licensing status.

(2) If the home state of an applicant for a nonresident license does not participate in the NAIC Producer Database, the applicant must submit a certification letter certifying that the producer is licensed and in good standing in that state. The certification letter must include the signature of the head of that resident state's insurance regulatory agency and his/her official seal.

[(2)] (3) A certification letter submitted with an application for a nonresident license must be dated no earlier than six (6) months prior to the date the application is received by the Missouri Department of Insurance.

[(3)] (4) Failure to submit a properly dated certification letter will cause all application materials to be returned to the [agent or broker] insurance producer.

**AUTHORITY:** section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-12.026. Original rule filed Jan. 11, 1990, effective May 1, 1990. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

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## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

#### **PROPOSED AMENDMENT**

**20 CSR 700-1.040 Clearance Letters.** The department is amending the Purpose clause and sections (1) and (3) of this rule.

*PURPOSE: This amendment changes the terms “agent” and “broker” to “insurance producer.”*

*PURPOSE: This regulation provides the definition of a clearance letter and aids and effectuates licensing standards and procedures as outlined in section [375.018.5(3)] 375.017.2, RSMo.*

(1) Definition. Clearance letter as used in this rule is a statement from another state certifying that the [agent or broker] **insurance producer** held, within one (1) year next proceeding the date of application, the same kind of license as applied for in this state[, passed a written examination and fulfilled study requirements comparable to those required in this state]. The statement also includes the signature of the head of the insurance regulatory agency of the state from whom the [agent or broker] **insurance producer** held the same kind of license and his/her official seal.

(3) Failure to submit a properly dated clearance letter will cause all application material to be returned to the [agent or broker] **insurance producer**.

*AUTHORITY: section 374.045, RSMo 2000. This rule was previously filed as 4 CSR 190-12.027. Original rule filed Jan. 11, 1990, effective May 1, 1990. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

#### **PROPOSED AMENDMENT**

**20 CSR 700-1.050 Payment of Earned Commissions.** The department is amending provisions of this rule.

*PURPOSE: This amendment changes the term “agent,” “agency,” and “broker” to “insurance producer.”*

Commissions Receivable Upon Termination. Where an [agent’s, agency’s or broker’s] **insurance producer’s** license is terminated before the full amount of commissions earned during the period of licensure has been received, the amount earned and not received may be paid.

*AUTHORITY: section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-12.030. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974, effective Dec. 30, 1974. Amended: Filed Oct. 14, 1977, effective March 13, 1978. Amended: Filed Jan. 15, 1981, effective Aug. 24, 1981. Amended: Filed July 12, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

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## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

#### **PROPOSED AMENDMENT**

**20 CSR 700-1.060 Retrospective Commission Contracts Prohibited.** The department is amending the Purpose clause and sections (1), (2), and (3) of this rule.

*PURPOSE: This amendment changes the term “agent,” “agency,” and “broker” to “insurance producer.”*

*PURPOSE: This regulation specifies restrictions on the authority of [agents] **insurance producers** to settle claims when they profit directly from the refusal to pay claims. This regulation was adopted pursuant to the provisions of section 374.045, RSMo and implements sections 375.141 and 375.445, RSMo.*

(1) Retrospective Commission Contracts Prohibited. No insurance company licensed or authorized to do business in Missouri may use any plan of payment to its [agents or brokers or other producers] **insurance producers** by which the company receives an agreed portion of its earned premium free from any normal claims and allows any [agent, broker] **insurance producer** or other person to

pay all normal claims from the remainder and retain as his/her compensation the money not paid to claimants.

(2) Profit Sharing Permitted. Commission agreements may contain a provision for varying the amount of commission paid an [at, agency or broker] **insurance producer** with the loss experience of the policies s/he has written, provided the company is directly liable for and does pay claims and the [agent, agency or broker] **insurance producer** has no authority to deny or refuse to pay or compromise any claim.

(3) Records Required. Copies of all these agreements shall be maintained as business records by both the company and the **insurance producer** for three (3) years for inspection by the director or his/her duly appointed agent.

**AUTHORITY:** section 374.045, RSMo [Supp. 1993] 2000. This rule was previously filed as 4 CSR 190-10.050. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Feb. 14, 1975, effective March 1, 1975. Amended: Filed July 15, 1976, effective Dec. 20, 1976. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—Agents, Brokers and Agencies**

### **PROPOSED RESCISSION**

**20 CSR 700-1.090 Fiduciary Duty of Broker.** This rule explained the fiduciary duty of a broker to the insured.

**PURPOSE:** This rule is being rescinded because the department will no longer issue insurance broker licenses.

**AUTHORITY:** sections 374.045, RSMo Supp. 1993 and 375.121, RSMo 1986. This rule was previously filed as 4 CSR 190-12.060. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Rescinded: Filed July 12, 2002.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rescission at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rescission, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

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## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

### **PROPOSED AMENDMENT**

**20 CSR 700-1.100 [Insurance Brokers] Producer Service Agreements.** The department is amending the title, Purpose clause, Exhibit A, and section (5), which is being renumbered as section (1) of this rule. It is also deleting sections (1), (2), (3), (4), and (6).

**PURPOSE:** This amendment changes the term “broker” to “insurance producer,” deletes insurance broker-specific licensing standards and procedures, and amends Exhibit A (Service Agreement).

**PURPOSE:** This regulation [explains insurance brokers’ licensing standards and procedures in Missouri] provides for **Producer Service Agreements**.

[(1) **Prelicensing Education and Examination.** Any individual who wishes to be licensed as an insurance broker must successfully complete the prelicensing education requirements, and take and pass an examination. The procedure to be followed is set out in 20 CSR 700-1.010(1).

(A) The director shall waive the examination and the prelicensing education requirements for a person applying for a broker’s license if the applicant is a Missouri resident at the time of application, and provided the applicant has a current resident agent’s license in more than one (1) line of insurance, which license shall have been issued at least five (5) years prior to the date of application for a broker’s license. Only the prelicensing education requirements and examination(s) in those lines for which the applicant has had a resident agent’s license for five (5) years prior to the date of application for a broker’s license will be waived pursuant to the provisions of this section.

(2) **Application.**

(A) Each applicant for a broker license shall file with the director of the Department of Insurance a completed application on the form prescribed by the director.

(B) Every application shall be accompanied by a one hundred dollar (\$100)-application fee pursuant to section 375.076, RSMo. All fees must be paid by money order, cashier’s check, company check, or agency check. Fees are not refundable.

(C) Every nonresident applicant also shall submit a certified statement from the insurance regulatory official in the applicant’s domiciliary state listing the lines of insurance for which the applicant is licensed in that state.

(D) *The fee to accompany a nonresident broker license shall be one hundred dollars (\$100).*

**(3) License Renewals.**

(A) *There will be a biennial renewal fee of one hundred dollars (\$100) for a broker license.*

(B) *If the broker's license renewal fee is not paid on or before ninety (90) days after the biennial renewal date, the license shall terminate and cannot be reinstated unless and until a late fee of twenty-five dollars (\$25) per month or fraction thereof after the biennial anniversary date is paid. Upon payment of the entire amount due under this provision, the license will be reinstated, effective back to the biennial anniversary date.*

(C) *In those situations where a person is licensed as both an agent and a broker, the director will implement a one (1)-time change in the expiration date of the agent's license such that both licenses will expire on the same date, which date shall coincide with the first renewal date of the broker's license following the expiration date of the agent's license.*

(4) *Notification. Every broker shall notify the director of those insurance companies, agents, agencies and surplus lines brokers with whom s/he places risks. This notification shall take place within ten (10) days after s/he places the first risk with the insurance company or surplus lines broker, agent or agency. Every broker also shall notify immediately the director when s/he no longer intends to place these risks with the insurance company or surplus lines broker agent or agency on a regular basis.*

**[(5)] (1) [Brokers'] Producer Service Agreements.**

(A) *The form set forth in Exhibit A is approved for use as specified in section 375.116, RSMo. Substantially equivalent forms may be approved by the director where they contain additional provisions and do not affect the content of Exhibit A. [Any such agreement] **The Producer Service Agreement, which is included herein,** must be a separate document from any other form or contract.*

(B) *[A separate agreement shall be completed for each contract of insurance] **Each Producer Service Agreement may cover multiple contracts of insurance** negotiated or procured for the same insured or prospective insured where [broker] **the insurance producer's** compensation falls within the requirements of section 375.116.3, RSMo. Each [broker] **insurance producer** shall retain one (1) copy of [this] **the Producer Service Agreement** in his/her office for three (3) years and deliver one (1) copy to the insured.*

(C) **The Producer Service Agreement shall contain a list of the policies it covers.**

*[(6) **Brokers Applying for an Insurance Agent's License.** Any broker who applies for an insurance agent's license covering the same line(s) of insurance covered by his/her insurance broker's license will be deemed to have met the prelicensing educational requirements and the examination(s) will be waived for those lines of insurance. If the broker applies for one (1) or more lines of insurance for which s/he is not licensed as a broker, the broker will need to fulfill the prelicensing education requirements and pass the examination(s) for those lines before s/he will be issued an insurance agent's license for those lines.]*

Exhibit A  
Missouri [Brokers] Producer Service [Contract] Agreement

1. The undersigned insured hereby engages the services of \_\_\_\_\_, a licensed Missouri insurance [broker] **producer**, license # \_\_\_\_\_, *[as his/her agent]* for the purpose of securing, negotiating and procuring the placement of the following described insurance coverages and to assist the undersigned in the preparation of any and all applications, underwriting data, and other information required by an insurer for the purposes of issuing an insurance policy within this state. The insurance coverage requested is: *(Here describe in detail the coverage to be effected.)*

2. The undersigned insured authorizes the [broker] **insurance producer** to commit to a maximum premium of not more than \_\_\_\_\_ per \_\_\_\_\_ for the above-stated coverage(s). *(If multiple contracts of insurance are to be procured for the same insured or prospective insured, a separate maximum may be stated for each contract covered by this agreement.)*

The undersigned insured agrees to pay as compensation to the [broker] **insurance producer**, above and in addition to the commission received from the insurer, for the various services of the [broker] **insurance producer** a fee of not more than \$ \_\_\_\_\_. *(If multiple contracts of insurance are to be procured for the same insured or prospective insured, a separate producer fee may be stated for each contract covered by this agreement.)*

3. A brief description of those [brokers] services performed and not described in paragraph 1. above is: \_\_\_\_\_

This agreement is in furtherance of section 375.116, RSMo *[(1986)]*, and Missouri Department of Insurance Regulation 20 CSR 700-1.100.

Dated: \_\_\_\_\_  
*(Insured)*

Dated: \_\_\_\_\_  
*([Broker] Insurance Producer)*

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-12.080. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Oct. 14, 1981, effective Jan. 15, 1982. Amended: Filed Jan. 17, 1986, effective June 28, 1986. Amended: Filed Oct. 15, 1996, effective May 30, 1997. Amended: Filed April 12, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## Title 20—DEPARTMENT OF INSURANCE

### Division 700—Licensing

#### Chapter 1—[Agencies, Brokers and Agencies] Insurance Producers

#### PROPOSED AMENDMENT

**20 CSR 700-1.110 Licensing of [Agencies] Business Entity Insurance Producers.** The department is amending the title, Purpose clause, sections (1)–(3) of this rule, and deleting the form that follows this rule in the *Code of State Regulations*.

**PURPOSE:** This amendment changes insurance licensing standards and procedures in Missouri.

**PURPOSE:** This regulation explains **business entity insurance [agency] producer** licensing standards and procedures in Missouri. [This regulation was adopted pursuant to the provisions of section 374.045, RSMo and implements and interprets sections 375.012 and 375.061, RSMo].

#### (1) [Agency] Business Entity Insurance Producers Defined.

(A) An [agency] **insurance producer** license must be obtained for each business entity meeting the definition of [an] **insurance [agency] producer** in section 375.012[(3)](6), RSMo.

(B) [The true name of an individual within the context of section 375.012(3), RSMo shall be considered his/her legal name, to include a given (first) name, middle initial and surname.] **Sole Proprietors.**

1. An insurance producer who is a sole proprietor conducting his/her insurance business in his/her legal name, including any first name or nickname, and who is the only licensed person conducting the insurance business under the name, is not required to obtain an additional license as a business entity insurance producer. The insurance producer doing the insurance business as described above may use the terms, “insurance agency,” “agency,” and other similar descriptive terms with the

use of the legal name, including any first or nickname, without the necessity of obtaining a separate business entity insurance producer license.

2. An insurance producer who is a sole proprietor conducting his/her insurance business in his/her legal name, including any first name or nickname, and who has other licensed persons conducting the insurance business under the name of the sole proprietor, is required to obtain a license as a business entity insurance producer.

3. An insurance producer who is a sole proprietor conducting an insurance business in a name other than his/her legal name, including any first name or nickname, with or without other licensed persons, is required to obtain a business entity insurance producer license.

[(C) Any business entity subject to section 375.012, RSMo, where more than one (1) business agent or broker is employed in the solicitation, negotiation or procurement of insurance contracts and is not otherwise excepted by section 375.012, RSMo or other law, must be licensed as an insurance agency.]

[(D)] (C) If a business entity is acting as an insurance [agency] **producer** under more than one (1) name or operates subsidiaries under differing names which also come within the definition of [agency] **insurance producer**, all these [subagencies/subentities] must be licensed as [agencies] **insurance producers**.

(2) [Application.] Corporations, associations, partnerships, limited liability companies, limited liability partnerships, or other legal entities shall submit a copy of its Certificate of Good Standing as issued by the Missouri Secretary of State or a current certification from the state or federal agency governing the applicant's authority to do business that the applicant is then in good standing to do business.

[(A) The application required by section 375.061, RSMo must be completed on the form approved by the director of insurance by each applicant for licensure and accompanied by—

1. A copy of its registration of a fictitious name as filed with the Missouri Secretary of State or its Certificate of Good Standing as issued by the Missouri Secretary of State or if neither of the previous is applicable, a current certification from the state or federal agency governing the applicant's authority to do business that the applicant is then in good standing to do business; and

2. The required fee in the amount required by section 375.061, RSMo, in a form other than cash.]

(3) [Licensing Renewals. Agency licenses shall be renewed biennially on the anniversary date of the original license. Failure to renew an agency license shall cause the agency's authority to lapse. There shall be a required fee for renewal of the agency's license; the amount of which is specified by section 375.061, RSMo.] **Organizational Credit Business Entities.**

(A) In addition to the application fee required by section 375.065, RSMo, organizational credit business entities shall submit a fee of eighteen dollars (\$18) per employee to whom the business entity pays any salary or commission for the solicitation, negotiation, or sale of credit insurance contracts.

(B) Organizational credit business entity licenses shall be renewed as required under section 375.065, RSMo. At renewal, an organizational credit business entity shall include a list of employees to whom the business entity has paid, within the preceding twelve (12) months, any salary or commission for the solicitation, negotiation, or sale of credit insurance contracts.

**AUTHORITY:** section 374.045, RSMo [Supp. 1998] 2000. This rule was previously filed as 4 CSR 190-12.090. Original rule filed

*Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed July 15, 1976, effective Dec. 20, 1976. Amended: Filed Oct. 14, 1981, effective Jan. 15, 1982. Amended: Filed April 28, 1994, effective Oct. 30, 1994. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 700—Licensing**  
**Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

**PROPOSED AMENDMENT**

**20 CSR 700-1.120 Certain Representatives of Prepaid Dental Corporations to be Licensed.** The department is amending the Purpose clause and sections (1), (2), (3), and (5) of this rule.

**PURPOSE:** *This amendment changes the terms “agent” and “broker” to “insurance producer.”*

**PURPOSE:** *This regulation requires representatives of prepaid dental corporations who solicit contracts on behalf of the corporation to be licensed as [agents] insurance producers with the Department of Insurance pursuant to section 354.721, RSMo.*

(1) Any person who solicits membership contracts on behalf of prepaid dental corporations or offers or assumes to act in negotiation of the contracts, whether a salaried representative of the corporation or one whose compensation is in part or in whole paid in the form of commissions on the business written, shall be duly licensed by this department as an accident and health **[agent] insurance producer**.

(2) No person shall act in this state as an **[agent] insurance producer** for a prepaid dental corporation unless s/he is licensed by the director as provided in this regulation.

(3) Persons desiring to solicit contracts on behalf of prepaid dental corporations shall comply with 20 CSR 700-1.010 and 20 CSR 700-3.100 as the regulations relate to **[agent's] insurance producer's** examination and licensing procedures and standards **[and prelicensing education for agents and brokers]**.

(5) The director may revoke or suspend, for a period as s/he may determine, any license of any **[agent] insurance producer**, if it is determined as provided by sections 621.045–621.205, RSMo, that

the licensee or applicant has violated, at any time, the provisions of section 375.141, RSMo.

**AUTHORITY:** *section 374.045, RSMo [1986] 2000. This rule was previously filed as 4 CSR 190-12.110. Original rule filed June 13, 1988, effective Oct. 27, 1988. Amended: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 700—Licensing**  
**Chapter 1—[Agents, Brokers and Agencies] Insurance Producers**

**PROPOSED AMENDMENT**

**20 CSR 700-1.130 Appointment [of Agents] and Termination of Insurance Producers.** The department is amending the title, Purpose clause and sections (1), (2), and (3) of this rule.

**PURPOSE:** *This amendment changes the term “agent” to “insurance producer,” changes the term “agency” to “business entity,” and sets forth the requirements for a notice of termination of appointment.*

**PURPOSE:** *The department defines appointment of an [agent] insurance producer, as used in section 375.022, RSMo, so an insurance company knows what act(s) constitutes appointment of an [agent] insurance producer to act for the insurance company.*

(1) As used in section 375.022, RSMo appointment of an **[agent] insurance producer** means the earliest on which an insurance company, or its authorized **[agent] insurance producer** does any of the following:

(A) Distributes an application form, which on its face requires submission of premium at the time of completing the application with a consumer, to the prospective **[agent] insurance producer**, unless the application form is marked in bold type as a specimen;

(B) Accepts premiums from the prospective insurance **[agent] producer**;

(C) Accepts for underwriting an application for insurance submitted by the prospective insurance **[agent] producer**;

(D) Executes a written or oral employment contract with the prospective insurance **[agent] producer**; or

(E) Grants binding authority given to the prospective insurance **[agent] producer**.

(2) An insurer may appoint **[agents] insurance producers** directly[,] by appointing individual **[agents] insurance producers**, or by

designating a licensed *[agency]* business entity, which designation shall be deemed to appoint all *[agents]* individual insurance producers employed by such *[agency]* pursuant to section 375.061, RSMo/ licensed business entity to act for the insurance company in the lines for which the *[agents]* individual insurance producers are licensed and for which the *[agency]* licensed business entity has been designated by the insurance company.

(A) Any *[agents]* individual insurance producers listed or employed by *[an agency]* a licensed business entity pursuant to section [375.061] 375.015, RSMo after the designation of the *[agency]* licensed business entity by an insurer shall be deemed an appointment of such *[agents]* individual insurance producers for all insurers with existing designations of the *[agency]* licensed business entity.

(B) The appointment of an *[agent]* individual insurance producer pursuant to this subsection shall terminate upon the *[agent's]* individual insurance producer's termination or resignation from the *[agency]* licensed business entity with which the *[agent]* individual insurance producer is listed or employed, upon termination of the *[agency]* licensed business entity by the insurer, or upon nonrenewal, suspension, revocation, or surrender of the *[agent's]* individual insurance producer's license.

(C) An insurer may also appoint an organizational credit business entity licensed pursuant to section 375.065, RSMo, in the manner described in subsections (2)(A) and (2)(B) of this rule.

(3) [This rule does not apply to individuals licensed as insurance brokers in Missouri.] The notice of termination for one of the reasons set forth in section 375.141, RSMo, required by subsections 5 and 7 of section 375.015, RSMo, shall be accompanied by a report or summary of the acts of the insurance producer believed to violate section 375.141, RSMo, and copy of the documentation collected by the insurer that led to the termination.

**AUTHORITY:** section 374.045, RSMo 2000. This rule previously filed as 4 CSR 190-12.150. Original rule filed Aug. 8, 1989, effective Feb. 1, 1990. Amended: Filed April 12, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## Title 20—DEPARTMENT OF INSURANCE

### Division 700—Licensing

#### Chapter 1—Agents, Brokers and Agencies

#### PROPOSED RESCISSION

**20 CSR 700-1.135 Forms for Filing Notice of Appointment of Agents and Notice of Termination of Appointment of Agents.** This rule implemented section 375.022, RSMo, by prescribing the form of notice for appointments and terminations of appointment of insurance agents.

**PURPOSE:** This rule is being rescinded because, pursuant to section 375.022, RSMo, insurers will no longer be required to notify the director of the appointment of agents.

**AUTHORITY:** section 374.045.1(2) and (3), RSMo Supp. 1995. Original rule filed Sept. 13, 1996, effective March 30, 1997. Rescinded: Filed July 12, 2002.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rescission at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rescission, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## Title 20—DEPARTMENT OF INSURANCE

### Division 700—Licensing

#### Chapter 1—[Agents, Brokers and Agencies] Insurance Producers

#### PROPOSED AMENDMENT

**20 CSR 700-1.140 Minimum Standards of Competency and Trustworthiness for [Agents, Agencies and Brokers] Insurance Producers Concerning Personal Insurance Transactions.** The department is amending the title, Purpose clause, sections (1) and (2), and Exhibit A of this rule. It is also adding new sections (3) and (4) and renumbering old sections (3), (4), and (5) of this rule.

**PURPOSE:** This amendment changes the terms "agent," "agency," "broker," and "licensee" to "insurance producer" and amends the provisions regarding loans to insurance producers.

**PURPOSE:** This regulation effectuates and aids in the interpretation of the provisions of section 375.141.1[(4)] (8), RSMo, which relates to the competence and trustworthiness of *[agents, brokers and agencies]* insurance producers. The regulation requires insurance *[agents, agencies and brokers]* producers to comply with certain minimum requirements in transactions involving personal insurance policies. It is promulgated pursuant to the provisions of section 374.045, RSMo and implements the provisions of section 375.141, RSMo.

(1) Definitions.

(D) Licensee means a person licensed by Missouri to act as an insurance *[agent, agency or broker]* producer. [The term may



*be used in this regulation as an alternative to the terms insurance agent, agency or broker whenever the provision in question applies to all three (3) types of license holders.]*

(2) Document and Premium Handling Standards. When dealing with any personal insurance policy, every *[agent, agency and broker]* **insurance producer** shall comply with the following standards of promptness regarding securing and amending coverage, providing written evidence of insurance transactions and handling premiums, except to the extent these actions are the responsibility of the insurer. Where it is the insurer's responsibility to take these actions, this responsibility shall be delineated in a written document, a copy of which shall be retained by the licensee and available for examination by the department.

(A) Every *[agent, agency or broker]* **insurance producer** shall handle every application for new coverage under a personal insurance policy and every request for amendments to an existing policy in a manner which will secure the new or amended coverage as soon as is reasonably possible, unless a longer time is permitted under a written agreement between the licensee and the insured or prospective insured. If within thirty (30) days of the original application for insurance the licensee has not yet secured an insurer willing to provide coverage, the licensee immediately shall inform the prospective insured of this fact in writing.

(B) Whenever an insurer requires additional information prior to issuing a new personal insurance policy, or prior to renewing, continuing or amending an existing policy, the *[agent, agency or broker]* **insurance producer** through whom the insured or prospective applied for or procured the coverage shall inform, at the earliest reasonable opportunity, the insured or prospective insured of the need for the additional information from the insured or prospective insured.

(C) Every *[agent, agency or broker]* **insurance producer** shall provide every purchaser of a personal insurance policy with written evidence of coverage at the time coverage is bound or the policy is issued, whichever occurs earlier, or as soon after as is reasonably possible, but in no event later than thirty (30) days after the date the coverage is bound or the policy is issued. A written binder or insurance policy shall constitute written evidence of coverage for purposes of this subsection. Any application forms, riders or endorsements associated with the policy which are not provided along with written evidence of coverage shall be provided to the insured as soon as is reasonably possible. When an insurer declines to cover a prospective insured, the insurer's written denial of coverage shall be provided by the licensee to the prospective insured as soon as is reasonably possible, but in no event later than thirty (30) days after the date the coverage is denied.

(D) *[Agents, brokers or agencies]* **Insurance producers** shall remit all premium payments associated with a personal insurance policy to those persons entitled to them as soon as is reasonably possible after their receipt by the licensee, but in no event later than thirty (30) days after the date of receipt, provided, however, that premiums may be remitted at a later point in time if the licensee is so authorized under a written agreement between the licensee and the person legally entitled to the premiums. In no event, however, shall a licensee retain premium payments if to do so will result in the failure to obtain or continue coverage on behalf of an insured or prospective insured.

*[(E) No licensee or a member of the licensee's immediate family shall, at any time, be named as a beneficiary or contingent beneficiary or shall acquire any ownership interest in any life insurance or accidental death policy, annuity product or any other insurance product if said licensee receives or will receive any commission, fee or compensation from the sale of the product. Such a prohibition would not apply if there exists a relationship between the insured or prospective insured and the licensee which gives rise to an insurable interest in the life of the insured or prospective insured.]*

*(F) No licensee shall obtain or solicit for a loan or any type of ownership interest in any life insurance or accidental death policy, or any annuity product, or any other type of insurance product, from any insured or prospective insured "if" the licensee has received any commission, fee or other compensation from the sale of the product. This prohibition shall not apply—*

*1. When it is the usual occupation or practice of the insured or prospective insured to receive and process loan applications and to provide loans to the public as an owner, officer, director or employee of an institution in the business of providing such loans; or*

*2. When there exists a relationship between the insured or prospective insured and the licensee which gives rise to an insurable interest in the life of the insured or prospective insured.]*

**(3) No insurance producer or a member of the insurance producer's immediate family shall, at any time, be named as a beneficiary or contingent beneficiary or shall acquire any ownership interest in any insurance policy held by an insurance client or former or prospective insurance client. Such a prohibition would not apply if there exists a relationship between the insurance client or former or prospective insurance client and the insurance producer or immediate family of the insurance producer which gives rise to an insurable interest.**

**(4) No insurance producer shall obtain or solicit for a loan from an insurance client or former or prospective insurance client or any type of ownership interest in any insurance policy held by an insurance client or former or prospective insurance client. This prohibition shall not apply—**

**(A) When it is the usual occupation or practice of the insurance client or former or prospective insurance client to receive and process loan applications and to provide loans to the public as an owner, officer, director or employee of an institution in the business of providing such loans; or**

**(B) When there exists a relationship between the insurance client or former or prospective insurance client and the insurance producer which gives rise to an insurable interest.**

**[(3)] (5) Receipts for Cash Premiums Payments.**

**(A) Whenever a cash premium payment is received by an [agent, agency or broker] insurance producer for a personal insurance policy, a written receipt shall be executed by the licensee and given to the person making the premium payment. The receipt shall bear the words Receipt or Premium Receipt and shall include the following information:**

- 1. The name of the insured;**
- 2. The name of the insurer, where one (1) has been selected;**
- 3. The date of the cash payment;**
- 4. The amount of the cash payment;**
- 5. The policy number, if available, or other information which will describe the insurance coverage for which the cash premium was paid;**
- 6. The signature of the licensee or an employee of the licensee duly authorized in writing to accept these payments or to execute the receipts; and**
- 7. Any comment required under subsection (3)(D) of this rule.**

**(B) Use of the form, Exhibit A, included herein, shall be deemed to satisfy the requirements of this section. Other receipt forms which contain the information required by this section may also be used. Methods of documenting the payment of premiums which do not satisfy all the requirements of this section, such as the use of premium payment books for debit plans, shall be deemed to satisfy this section only if their use for this purpose has been approved in writing by the director.**

(C) A copy of the cash premium receipt shall be given to the person making the cash premium payment. An additional copy shall be retained by the licensee for the licensee's records as provided in section ~~[(4)]~~ (6) of this regulation, unless other records of the licensee and the insurer document the information required under subsections ~~[(3)]~~(5)(A) and (D) of this rule for purposes of inspections or examinations by the director.

(D) No ~~[agent, agency or broker]~~ **insurance producer** shall accept a cash premium payment for new coverage under a personal insurance policy where the licensee has not selected an insurer with whom to place the coverage unless the cash premium receipt bears a comment indicating that an insurer has not yet been selected and that coverage currently does not yet exist.

~~[(4)]~~ (6) Minimum Record ~~[k]~~Keeping Requirements for all ~~[Agents, Agencies and Brokers]~~ **Insurance Producers**.

(A) Every ~~[agent, agency or broker]~~ **insurance producer** shall maintain a complete set of records for each personal insurance policy applied for or procured through the licensee, except to the extent the maintenance of these records is, in whole or in part, the responsibility of the insurer. Where it is the insurer's responsibility to maintain these records, this responsibility shall be delineated in a written document(s), a copy of which shall be retained by the licensee. The records which must be maintained shall include, but not be limited to, the following:

1. Any policy applications, declaration pages, endorsements, riders or binders associated with the policy;
2. Any written correspondence or copies of records transmitted to or received by the licensee concerning the policy;
3. Any documents associated with any claims filed with the licensee under the policy; and
4. Any receipts or other documents associated with any premium payments made to the licensee under the policy, including receipts for cash premium payments required under section (3) of this regulation.

(B) The records required to be maintained under this section shall be open to the inspection or examination of the director of insurance or his/her agents, and shall be maintained in an orderly manner so that the information in the records is readily available during the inspection or examination. The requirement of this subsection shall be deemed satisfied whenever a requested record can be retrieved from its storage location within five (5) business days of a request by the director or the director's designee.

(C) An ~~[agent]~~ **insurance producer** operating under an exclusive contract with an insurer, including one (1) insurer and its subsidiaries or affiliates, upon termination of the agency appointment, shall be required to maintain only those records as the contract authorizes him/her to retain, provided that the insurer shall bear responsibility for maintaining all other records which otherwise would have been required to be maintained by the ~~[agent]~~ **insurance producer**.

(D) All records required to be maintained under this section shall be maintained for as long as the personal insurance policy in question is in force and for at least three (3) years thereafter.

~~[(5)]~~ (7) Discipline. Violation by an ~~[agent, agency or broker]~~ **insurance producer** of the provisions of this regulation shall be deemed incompetent or untrustworthy behavior under section 375.141.1(4), RSMo and shall constitute grounds for discipline of the licensee under that section or other applicable laws.

**EXHIBIT A**

**PREMIUM RECEIPT**

Amount of payment: \$\_\_\_\_\_.

Date of Payment: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name of Insurance Company:\_\_\_\_\_

Policy Number or Description:\_\_\_\_\_

Name of Insured:\_\_\_\_\_

Comment:\_\_\_\_\_

*[Licensee's]* **Insurance Producer's** Signature:\_\_\_\_\_

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*KEEP THIS RECEIPT AS PART OF YOUR RECORDS FOR YOUR OWN PROTECTION.*

**AUTHORITY:** section 374.045, RSMo [Supp. 1993] 2000. Original rule filed April 5, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 29, 1993, effective July 30, 1994. Amended: Filed July 12, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 1—Insurance Producers**

#### **PROPOSED RULE**

##### **20 CSR 700-1.150 Incidental Fees Charged by Insurance Producers.**

**PURPOSE:** This regulation implements the provisions of sections 375.052 and 379.356.2, RSMo Supp. 2001, with regard to insurance producers charging incidental fees in addition to premium.

(1) As used in sections 375.052 and 379.356.2, RSMo, and in these rules—

(A) “Incidental fee” means an amount equal to the cost of providing a service that is charged in addition to and dependent on the receipt of premium from an insured or an applicant for insurance in connection with the issuance, renewal, or reinstatement of an insurance policy.

(B) “Other similar services” means SR-22 filings, Interstate Commerce Commission filings, Department of Transportation filings, payment by credit card, and processing insufficient funds checks.

(2) In order to charge an incidental fee, the insurer or insurance producer is required to actually perform a service or incur a cost in connection with the issuance, renewal, or reinstatement of an insurance policy or the performance of other similar services.

(3) Incidental fee shall include a charge for premium installments, late payments, policy reinstatements, or other similar services. In the case of the fee for permitting insureds or applicants for insurance to make a premium payment by credit card, the insurer or insurance producer shall charge only the amount charged to the insurer or insurance producer by the credit card company. Any other fees shall only be charged by an insurance producer when there is in place a written contract between the insured or applicant for insurance and the insurance producer as permitted in section 375.116, RSMo, 20 CSR 700-1.100 and the form attached thereto as Exhibit A.

(4) All incidental fees charged by the insurer or insurance producer shall be disclosed in writing to the insured or the applicant for insurance at or before the time of application and at or before policy renewal. The insurer or insurance producer charging the fee shall provide to the insured or applicant for insurance a written disclosure consisting of a description of the service for which the fee is being charged and the amount of the fee.

(5) The amount of the incidental fees charged by the insurer or insurance producer shall be posted conspicuously at any location wherein the insurer or insurance producer markets or negotiates the sale or renewal of insurance policies with insureds or applicants for insurance.

(6) All incidental fees charged to the insured or applicant for insurance by the insurer shall be considered premium for purposes of the premium tax imposed pursuant to section 148.320, RSMo. An incidental fee is considered charged “by the insurer” if the insurer:

(A) Directly or indirectly requires the incidental fee to be paid by the insured or applicant; or

(B) Requires the producer to account for the incidental fee charged.

(7) The provisions of sections 375.052 and 379.356.2, RSMo, and this rule do not include or apply to any other fees specifically permitted by law.

**AUTHORITY:** section 374.045, RSMo 2000. Original rule filed July 12, 2002.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rule at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rule, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

## **Title 20—DEPARTMENT OF INSURANCE**

### **Division 700—Licensing**

#### **Chapter 3—Education Requirements**

#### **PROPOSED RESCISSION**

**20 CSR 700-3.100 Prelicensing Education.** This rule was intended to outline the requirements for prelicensing education of insurance agents and insurance brokers set forth in section 375.018.1, RSMo.

**PURPOSE:** This rule is being rescinded because the department no longer requires prelicensing education notification.

**AUTHORITY:** sections 374.045, RSMo Supp. 1998 and 375.018, RSMo 1994. This rule was previously filed as 4 CSR 190-12.100.

*Original rule filed Jan. 17, 1986, effective June 28, 1986. Amended: Filed July 5, 1988, effective Nov. 1, 1988. Amended: Filed April 23, 1991, effective Oct. 31, 1991. Amended: Filed April 29, 1994, effective Nov. 30, 1994. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Rescinded: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed rescission at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed rescission, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 7—Reinsurance Intermediary**

**PROPOSED AMENDMENT**

**20 CSR 700-7.100 Reinsurance Intermediary License.** The department is amending sections (1) and (9) of this rule and removing the forms following the rule in the *Code of State Regulations*.

**PURPOSE:** *This amendment changes the terms “agent” and “broker” to “insurance producer,” and provides for the form referred to in section (9) of this rule to be available on the department’s website.*

(1) Who must be licensed as a reinsurance intermediary—

(A) Any person, firm, association or corporation acting as a reinsurance intermediary-broker (RB) and maintaining an office in this state either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation, must be a licensed Missouri reinsurance intermediary-broker, *[agent or broker]* **insurance producer**;

(B) Any person, firm, association or corporation acting as an RB and not maintaining an office in this state must either—

1. Be a licensed Missouri *[agent, broker]* **insurance producer** or reinsurance intermediary-broker; or

2. Have a current producer’s license from another state having a law substantially similar to sections 375.1110–375.1140, RSMo;

(C) Any person acting as a reinsurance intermediary-manager (RM) for a Missouri domiciled reinsurer must be a licensed Missouri *[agent, broker]* **insurance producer** or reinsurance intermediary-manager;

(D) Any person acting as an RM in this state and that maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a firm or association, or an officer, director or employee of a corporation, must be a licensed Missouri *[agent, broker]* **insurance producer** or reinsurance intermediary-manager; and

(E) Any person, firm, association or corporation acting as an RM in another state for a nondomestic insurer, if the RM is not a licensed insurance *[agent]* **producer** in this state or another state having a law substantially similar to sections 375.1110–375.1140, RSMo.

(9) Forms. *[Appendix A is an example of t/*The application form required by subsections (3)(A) and (4)(A) **can be accessed at the department’s website at [www.insurance.state.mo.us](http://www.insurance.state.mo.us)**. *This [appendix] form also may be used for renewal under section (6). This form also contains the nonresident’s appointment of the director under section (7).*

**AUTHORITY:** *section 374.045.1(2) and (3), RSMo [Supp. 1998] 2000. This rule was previously filed as 20 CSR 200-2.600. Original rule filed Dec. 17, 1991, effective June 25, 1992. Amended: Filed Feb. 24, 1995, effective Oct. 30, 1995. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing will be held on this proposed amendment at 10:00 a.m. on September 17, 2002. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 17, 2002. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

**SPECIAL NEEDS:** *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

### ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 681-684). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were accepted from May 2 through May 31, 2002. The state veterinarian received written comments from the Department of Conservation, a livestock market owner, a representative of the Missouri Big Game Farmers and Breeders Association, and from the Animal Health Epidemiologist.

**COMMENT:** The Department of Conservation supports the proposed changes that the department has taken to strengthen existing regulations associated with importing, exhibiting and marketing/selling captive cervids to help minimize the risks of chronic wasting disease entering Missouri. They recommend that the Department of Agriculture continue to explore options that would work 1) to increase the number of captive cervid herds participating in a sur-

veillance program, 2) provide consistency with the existing monitoring requirement for cervids coming from states documented with chronic wasting disease, 3) in the short-term, ban the importation of captive cervids from most states as many are currently working to develop/implement surveillance programs, and 4) affect the movement of species beyond those that have been documented with chronic wasting disease.

**RESPONSE:** We have taken under consideration the regulations from other states regarding Chronic Wasting Disease and have referred to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*, to develop regulations that will protect Missouri from the importation of these diseases. We have developed our surveillance program to be comparable with other states and the proposed federal program.

**COMMENT:** The livestock market owner commented that as long as this rule affected only elk, mule deer and white tail deer entering Missouri and that other cervids may enter Missouri from a surveillance program recognized by the state of origin, then the proposed amendments would allow him to continue to operate and would be acceptable.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The representative of the Missouri Big Game Farmers and Breeders Association commented that the proposed amendment would be very devastating to the captive *cervidae* industry. There are very few breeder operations presently enrolled in a three (3) year surveillance program and this change would be particularly devastating on the sale barns that deal in captive *cervidae*. Suggestion was made to require any *cervidae* coming into Missouri to come from an enrolled CWD surveillance herd and follow up by setting guidelines that by a certain date all animals coming into Missouri must come from a three (3) year certified herd.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The animal health epidemiologist suggested that in the proposed amendment replace "interstate shipping permit" with "entry permit" to be consistent with the language in 2 CSR 30-2.010(2) Entry Permits.

**RESPONSE AND EXPLANATION OF CHANGE:** Suggestion noted and "interstate shipping permit" will be replaced with "entry permit" to be consistent with language in 2 CSR 30-2.010(2) Entry Permits.

**COMMENT:** The animal health epidemiologist commented that the regulations as presented are in error because they address monitored and qualified herds as equals and they do not correctly describe the entry requirements for animals under twelve (12) months of age from qualified or monitored herds. Also, monitored herds do not have a current test date as noted in the proposed regulations.

**RESPONSE AND EXPLANATION OF CHANGE:** According to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, qualified and monitored herds both require one (1) test ninety (90) days prior to movement but have different definitions. Suggestion taken to separate and list individually and to make provisions for animals under twelve (12) months of age from qualified or monitored herds. The requirement for herd number and current test date of monitored herds to be shown on the Certificate of Veterinary Inspection will be removed.

## **2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri**

(13) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) Captive cervids, prior to entering Missouri, must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids that enter Missouri must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to movement, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may enter on herd status without additional testing provided the certified herd number and current test date is shown on the Certificate of Veterinary Inspection;

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to interstate movement.

2. Captive cervids not known to be affected with or exposed to tuberculosis and not in a status herd, as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method. The second test must be within ninety (90) days prior to movement. Both negative test dates must be listed on the Certificate of Veterinary Inspection. Animals must have been isolated from other captive cervids during the testing period.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may enter on herd status without additional testing provided the accredited herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be moved without further tuberculosis testing, provided that they are accompanied by a certificate stating that such captive cervids origi-

nated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to enter Missouri.

5. Elk, elk-hybrids, white-tailed deer and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to entering Missouri. Other captive cervids must have participated in a surveillance program recognized by the state of origin prior to entering Missouri.

## **Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals**

### **ORDER OF RULEMAKING**

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-2.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 685-687). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were accepted from May 2 through May 31, 2002. The state veterinarian received written comments from the Department of Conservation, a livestock market owner, a representative of the Missouri Big Game Farmers and Breeders Association, and from the Animal Health Epidemiologist.

**COMMENT:** The Department of Conservation supports the proposed changes that the department has taken to strengthen existing regulations associated with importing, exhibiting and marketing/selling captive cervids to help minimize the risks of chronic wasting disease entering Missouri. They recommend that the Department of Agriculture continue to explore options that would work 1) to increase the number of captive cervid herds participating in a surveillance program, 2) provide consistency with the existing monitoring requirement for cervids coming from states documented with chronic wasting disease, 3) in the short-term, ban the importation of captive cervids from most states as many are currently working to develop/implement surveillance programs, and 4) affect the movement of species beyond those that have been documented with chronic wasting disease.

**RESPONSE:** We have taken under consideration the regulations from other states regarding Chronic Wasting Disease and have referred to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*, to develop regulations that will protect Missouri from the importation of these diseases. We have developed our surveillance program to be comparable with other states and the proposed federal program.

**COMMENT:** The livestock market owner commented that as long as this rule affected only elk, mule deer and white tail deer entering Missouri and that other cervids may enter Missouri from a surveillance program recognized by the state of origin, then the proposed amendments would allow him to continue to operate and would be acceptable.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The representative of the Missouri Big Game Farmers and Breeders Association commented that the proposed amendment would be very devastating to the captive *cervidae* industry. There are very few breeder operations presently enrolled in a three (3) year surveillance program and this change would be particularly devastating on the sale barns that deal in captive *cervidae*. Suggestion was made to require any *cervidae* coming into Missouri to come from an enrolled CWD surveillance herd and follow up by setting guidelines that by a certain date all animals coming into Missouri must come from a three (3) year certified herd.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The animal health epidemiologist suggested that in the proposed amendment replace "interstate shipping permit" with "entry permit" to be consistent with the language in 2 CSR 30-2.010(2) Entry Permits.

**RESPONSE AND EXPLANATION OF CHANGE:** Suggestion noted and "interstate shipping permit" will be replaced with "entry permit" to be consistent with language in 2 CSR 30-2.010(2) Entry Permits.

**COMMENT:** The animal health epidemiologist pointed out that the wording of the first sentence in 2 CSR 30-2.040 does not specifically address cervids that enter Missouri for exhibition. Taken literally, the first sentence would apply to all cervids exhibited in Missouri.

**RESPONSE AND EXPLANATION OF CHANGE:** Suggestion noted and sentence will be reworded to specifically address captive cervids that enter Missouri for exhibition.

**COMMENT:** The animal health epidemiologist commented that the regulations as presented are in error because they address monitored and qualified herds as equals and they do not correctly describe the entry requirements for animals under twelve (12) months of age from qualified or monitored herds. Also, monitored herds do not have current test date as noted in the proposed regulations.

**RESPONSE AND EXPLANATION OF CHANGE:** According to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, qualified and monitored herds both require one (1) test ninety (90) days prior to movement but have different definitions. Suggestion taken to separate and list individually and to make provisions for animals under twelve (12) months of age from qualified or monitored herds. The requirement for herd number and current test date of monitored herds to be shown on the Certificate of Veterinary Inspection will be removed.

## 2 CSR 30-2.040 Animal Health Requirements for Exhibition

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age,

weight, coloration and the permanent tag number, brand or tattoo identification.

(D) Captive cervids that enter Missouri for exhibition must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids that enter Missouri for exhibition must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to exhibition, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may exhibit on herd status without additional testing provided the certified herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to exhibition.

2. Captive cervids not known to be affected with or exposed to tuberculosis and not in a status herd, as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method prior to exhibition. The second test must be within ninety (90) days prior to exhibition. Both negative test dates must be listed on the Certificate of Veterinary Inspection. Animals must have been isolated from other captive cervids during the testing period.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herds as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may exhibit on herd status without additional testing provided the accredited herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of movement.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be moved without further tuberculosis testing, provided that they are accompanied by a certificate stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to exhibit in Missouri.

5. Elk, elk-hybrids, white-tailed deer and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to exhibiting in Missouri. Other captive cervids must have participated in a surveillance program recognized by the state of origin prior to exhibiting in Missouri.



**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 6—Livestock Markets**

**ORDER OF RULEMAKING**

By the authority vested in the director of agriculture under section 277.160, RSMo 2000, the director amends a rule as follows:

2 CSR 30-6.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 688-690). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were accepted from May 2 through May 31, 2002. The state veterinarian received written comments from the Department of Conservation, a livestock market owner, a representative of the Missouri Big Game Farmers and Breeders Association, and from the Animal Health Epidemiologist.

**COMMENT:** The Department of Conservation supports the proposed changes that the department has taken to strengthen existing regulations associated with importing, exhibiting and marketing/selling captive cervids to help minimize the risks of chronic wasting disease entering Missouri. They recommend that the Department of Agriculture continue to explore options that would work 1) to increase the number of captive cervid herds participating in a surveillance program, 2) provide consistency with the existing monitoring requirement for cervids coming from states documented with chronic wasting disease, 3) in the short-term, ban the importation of captive cervids from most states as many are currently working to develop/implement surveillance programs, and 4) affect the movement of species beyond those that have been documented with chronic wasting disease.

**RESPONSE:** We have taken under consideration the regulations from other states regarding chronic wasting disease and have referred to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*, to develop regulations that will protect Missouri from the importation of these diseases. We have developed our surveillance program to be comparable with other states and the proposed federal program.

**COMMENT:** The livestock market owner commented that as long as this rule affected only elk, mule deer and white tail deer entering Missouri and that other cervids may enter Missouri from a surveillance program recognized by the state of origin, then the proposed amendments would allow him to continue to operate and would be acceptable.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The representative of the Missouri Big Game Farmers and Breeders Association commented that the proposed amendment would be very devastating to the captive *cervidae* industry. There are very few breeder operations presently enrolled in a three (3) year surveillance program and this change would be particularly devastating on the sale barns that deal in captive *cervidae*. Suggestion was made to require any *cervidae* coming into Missouri to come from an

enrolled CWD surveillance herd and follow up by setting guidelines that by a certain date all animals coming into Missouri must come from a three (3) year certified herd.

**RESPONSE AND EXPLANATION OF CHANGE:** Taking into consideration the states that have just started or are in the process of developing a CWD surveillance program would not have many participants that would meet the three (3) year surveillance program, the suggestion is taken and regulations changed to limit elk, elk-hybrids, white-tailed deer and mule deer to the three (3) year surveillance program and allow other captive cervids to enter from a surveillance program recognized by the state of origin.

**COMMENT:** The animal health epidemiologist suggested that in the proposed amendment replace "interstate shipping permit" with "entry permit" to be consistent with the language in 2 CSR 30-2.010(2) Entry Permits.

**RESPONSE AND EXPLANATION OF CHANGE:** Suggestion noted and "interstate shipping permit" will be replaced with "entry permit" to be consistent with language in 2 CSR 30-2.010(2) Entry Permits.

**COMMENT:** The animal health epidemiologist pointed out that the wording of the first sentence in 2 CSR 30-6.020 does not specifically address only cervids that are sold through a market and not offered for sale.

**RESPONSE AND EXPLANATION OF CHANGE:** Suggestion noted and sentence will be reworded to specifically address out-of-state captive cervids that arrive at a market.

**COMMENT:** The animal health epidemiologist commented that the regulations as presented are in error because they address monitored and qualified herds as equals and they do not correctly describe the entry requirements for animals under twelve (12) months of age from qualified or monitored herds. Also, monitored herds do not have a current test date as noted in the proposed regulations.

**RESPONSE AND EXPLANATION OF CHANGE:** According to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, qualified and monitored herds both require one (1) test ninety (90) days prior to movement but have different definitions. Suggestion taken to separate and list individually and to make provisions for animals less than twelve (12) months of age from qualified or monitored herds. The requirement for herd number and current test date of monitored herds to be shown on the Certificate of Veterinary Inspection will be removed.

**2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian**

(7) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock market/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) Captive cervids from out-of-state that arrive at a market/sale in Missouri must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids from out-of-state that arrive at a market/sale must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*. Movement of Missouri origin captive cervids must be in compliance with Missouri's intrastate movement regulations.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative

for brucellosis within thirty (30) days prior to arrival at the market/sale, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may be sold through a market/sale on the current herd number and test date;

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to arrival at the market/sale.

2. Captive cervids not known to be affected with or exposed to tuberculosis, and not in a status herd as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method. The second test must be within ninety (90) days prior to arrival at the market/sale.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may be sold through a market/sale on the current herd number and test date.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be sold through a market/sale without further tuberculosis testing, provided that they are accompanied by a certificate stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to move through a Missouri livestock market/sale.

5. Elk, elk-hybrids, white-tailed deer and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to moving through a Missouri livestock market/sale. Other captive cervids must have participated in a surveillance program recognized by the state of origin prior to moving through a Missouri livestock market/sale.

### Title 3—DEPARTMENT OF CONSERVATION

#### Division 10—Conservation Commission

#### Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2002–2003 seasons.

### 3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

*PURPOSE: Sets the season for early migratory waterfowl hunting as established by the federal framework.*

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(A) Mourning doves and Eurasian collared-doves may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twelve (12) doves daily in the aggregate; twenty-four (24) in possession.

(B) Sora and Virginia rails may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twenty-five (25) rails in the aggregate daily or in possession.

(C) Woodcock may be taken from one-half (1/2) hour before sunrise to sunset from October 15 through November 28. Limits: three (3) woodcock daily; six (6) in possession.

(D) Common snipe may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through December 16. Limits: eight (8) snipe daily; sixteen (16) in possession.

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 14 through September 22. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed July 2, 2002, effective July 17, 2002.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

#### Division 80—Teacher Quality and Urban Education

#### Chapter 800—Teacher Certification and Professional Conduct and Investigations

### ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.021, 168.071, 168.081, 168.400, 168.405 and 168.409, RSMo 2000, the board amends a rule as follows:

### 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 559–563). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.070 New Source Performance Regulations  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2002 (27 MoReg 402-403). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.075 Maximum Achievable Control Technology  
Regulations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2002 (27 MoReg 403-405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2002

(27 MoReg 405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 302.173, RSMo Supp. 2001, the director amends a rule as follows:

**12 CSR 10-24.190 Drivers License Retesting Requirements After a  
License, School Bus Permit or Temporary Instruction Permit  
Expires is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 795). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 302.720 and 302.765, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-24.326 Third Party Tester and Examiner Sanction and  
Hearing Guidelines is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 795-799). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

Notice to be published as follows:

Notice is given that Halco Financial Services, Inc., with its registered office at 1220 Washington Street, Third Floor, Kansas City, Missouri 64105-2245, has been dissolved as of July 9, 2002 in accordance with the Missouri general corporate code. Halco Financial Services, Inc. requests that persons with claims against the corporation present the claims in accordance with the Missouri general corporate code. The claim must include the name of the claimant, the claimant's mailing address, and information describing the claim with specificity.

The claim must be sent to Halco Financial Services, Inc., c/o Michael A. Nigro, Mitchell, Kristl & Lieber, P.C., 1220 Washington, Third Floor, Kansas City, Missouri 64105. A claim against Halco Financial Services, Inc., not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after publication of this notice.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us). Prospective bidders may receive specifications upon request.

B2E03004 Microfilm Reader-Printer 8/15/02;  
B3E03011 Parent Ombudsman Consultation Services 8/16/02;  
B3E03018 Security Guard Services 8/16/02;  
B3E03027 Medical Waste Disposal Services 8/16/02;  
B3Z02213 Banking Services 8/16/02;  
B3Z03002 Public Education Campaign & Materials 8/16/02;  
B3Z03003 Public Education & Materials Targeting Minorities 8/16/02;  
B3Z02225 Audit Services-Counties 8/19/02;  
B3E02242 Consultant, Child Welfare Practice 8/19/02;  
B1E03015 Aircraft Maintenance 8/20/02;  
B1E03016 Maintenance: Aircraft 8/20/02;  
B3Z02211 Crisis Nursery Services 8/20/02;  
B1E03013 Forklift 8/23/02;  
B3E03024 Janitorial Services-10800 Lambert International Blvd. 8/26/02;  
B3Z02199 Actuarial Services 8/26/02;  
B3Z03030 Recruitment Services 8/26/02;  
B1E03026 Trucks: GVWR 17,500 lbs. 8/27/02;  
B3E03009 Water Treatment Services 8/27/02;  
B3Z03035 Program Management Services; "Emergency Response Plan to HIV/AIDS in the African-American Community" 8/29/02;  
B1Z03018 Fuel Discount Program 8/30/02;  
B3E03032 Personal Care Assessment Services 8/30/02;  
B3Z02226 Medicaid Managed Care-Eastern & Central Regions 9/10/02;  
B3E03023 Janitorial Services-7525-7547 South Lindbergh 9/13/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Employment Verification Services, supplied by TALX Corporation.
- 2.) Primary Care Office and Primary Care Association Joint Venture, supplied by the Missouri Primary Care Association.

Rubber Tiles, Ballistic Range Use, supplied by Range Systems.

- 1.) SOLVE: EPS and VISION: RESULTS Software & Maintenance Support Services, supplied by Computer Associates.
- 2.) Decontamination System, supplied by Biotech Systems.

James Miluski, CPPO,  
Director of Purchasing

**Rule Changes Since Update to  
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				25 MoReg 2478 27 MoReg 189
1 CSR 10-11.010	Commissioner of Administration .....	27 MoReg 1159	27 MoReg 1180		
1 CSR 15-2.200	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.210	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.230	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.250	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.270	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.290	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.320	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.350	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.380	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.390	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.410	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.420	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.430	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.450	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.470	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.480	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.490	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.510	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.530	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.560	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.580	Administrative Hearing Commission .....		27 MoReg 1099R		
1 CSR 15-3.200	Administrative Hearing Commission .....		27 MoReg 1099		
1 CSR 15-3.210	Administrative Hearing Commission .....		27 MoReg 1099		
1 CSR 15-3.250	Administrative Hearing Commission .....		27 MoReg 1100		
1 CSR 15-3.320	Administrative Hearing Commission .....		27 MoReg 1100		
1 CSR 15-3.350	Administrative Hearing Commission .....		27 MoReg 1101		
1 CSR 15-3.380	Administrative Hearing Commission .....		27 MoReg 1101		
1 CSR 15-3.390	Administrative Hearing Commission .....		27 MoReg 1102		
1 CSR 15-3.410	Administrative Hearing Commission .....		27 MoReg 1102		
1 CSR 15-3.420	Administrative Hearing Commission .....		27 MoReg 1103		
1 CSR 15-3.425	Administrative Hearing Commission .....		27 MoReg 1103		
1 CSR 15-3.430	Administrative Hearing Commission .....		27 MoReg 1104R		
1 CSR 15-3.440	Administrative Hearing Commission .....		27 MoReg 1104		
1 CSR 15-3.450	Administrative Hearing Commission .....		27 MoReg 1105R		
1 CSR 15-3.470	Administrative Hearing Commission .....		27 MoReg 1105		
1 CSR 15-3.490	Administrative Hearing Commission .....		27 MoReg 1106		
1 CSR 15-3.580	Administrative Hearing Commission .....		27 MoReg 1106		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel .....	27 MoReg 847			
1 CSR 40-1.090	Purchasing and Materials Management .....		27 MoReg 1107		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.010	Market Development .....	26 MoReg 1305R			
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2 CSR 30-2.010	Animal Health .....	26 MoReg 2257	27 MoReg 681	.....	This Issue
	.....		27 MoReg 966		
2 CSR 30-2.011	Animal Health .....	27 MoReg 848			
2 CSR 30-2.020	Animal Health .....		27 MoReg 967		
2 CSR 30-2.040	Animal Health .....	26 MoReg 2257	27 MoReg 685	.....	This Issue
	.....		27 MoReg 969		
2 CSR 30-6.020	Animal Health .....	26 MoReg 2258	27 MoReg 688	.....	This Issue
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2 CSR 70-13.045	Plant Industries .....	27 MoReg 767	27 MoReg 774		
2 CSR 70-13.050	Plant Industries .....	27 MoReg 767	27 MoReg 776		
2 CSR 90-10.040	Weights and Measures .....	27 MoReg 1161			
2 CSR 90-20.040	Weights and Measures .....		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures .....		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures .....		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures .....		27 MoReg 455		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.130	Conservation Commission .....		27 MoReg 971		
3 CSR 10-4.141	Conservation Commission .....		27 MoReg 972		
3 CSR 10-5.205	Conservation Commission .....		27 MoReg 972		
3 CSR 10-5.215	Conservation Commission .....		27 MoReg 973		
3 CSR 10-5.225	Conservation Commission .....		27 MoReg 973		
3 CSR 10-5.340	Conservation Commission .....		27 MoReg 1182		
3 CSR 10-5.345	Conservation Commission .....		27 MoReg 1184		

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3 CSR 10-5.350	Conservation Commission.....		27 MoReg 973		
3 CSR 10-5.351	Conservation Commission.....		27 MoReg 1186		
3 CSR 10-5.352	Conservation Commission.....		27 MoReg 974		
3 CSR 10-5.353	Conservation Commission.....		27 MoReg 974		
3 CSR 10-5.359	Conservation Commission.....		27 MoReg 1188		
3 CSR 10-5.360	Conservation Commission.....		27 MoReg 1190		
3 CSR 10-5.365	Conservation Commission.....		27 MoReg 1192		
3 CSR 10-5.420	Conservation Commission.....		27 MoReg 1194		
3 CSR 10-5.425	Conservation Commission.....		27 MoReg 974		
3 CSR 10-5.440	Conservation Commission.....		27 MoReg 1196		
3 CSR 10-5.445	Conservation Commission.....		27 MoReg 1198		
3 CSR 10-5.460	Conservation Commission.....		27 MoReg 974		
3 CSR 10-5.465	Conservation Commission.....		27 MoReg 975		
3 CSR 10-5.550	Conservation Commission.....		27 MoReg 975R		
3 CSR 10-5.551	Conservation Commission.....		27 MoReg 975		
3 CSR 10-5.552	Conservation Commission.....		27 MoReg 976		
3 CSR 10-5.553	Conservation Commission.....		27 MoReg 976		
3 CSR 10-5.559	Conservation Commission.....		27 MoReg 976		
3 CSR 10-5.575	Conservation Commission.....		27 MoReg 976R		
3 CSR 10-5.576	Conservation Commission.....		27 MoReg 977		
3 CSR 10-5.577	Conservation Commission.....		27 MoReg 977		
3 CSR 10-5.578	Conservation Commission.....		27 MoReg 977		
3 CSR 10-6.405	Conservation Commission.....		27 MoReg 978		
3 CSR 10-6.410	Conservation Commission.....		27 MoReg 978		
3 CSR 10-6.415	Conservation Commission.....		27 MoReg 978		
3 CSR 10-6.525	Conservation Commission.....		This Issue		
3 CSR 10-6.540	Conservation Commission.....		27 MoReg 979		
3 CSR 10-6.550	Conservation Commission.....		27 MoReg 979		
3 CSR 10-6.605	Conservation Commission.....		27 MoReg 979		
3 CSR 10-7.410	Conservation Commission.....		27 MoReg 980		
3 CSR 10-7.440	Conservation Commission.....		N.A.....	This Issue	
3 CSR 10-7.435	Conservation Commission.....		This Issue		
3 CSR 10-7.455	Conservation Commission.....		27 MoReg 980		
3 CSR 10-8.510	Conservation Commission.....		27 MoReg 981		
3 CSR 10-8.515	Conservation Commission.....		27 MoReg 981		
3 CSR 10-9.106	Conservation Commission.....		27 MoReg 982		
3 CSR 10-9.110	Conservation Commission.....		27 MoReg 982		
3 CSR 10-9.220	Conservation Commission.....		27 MoReg 983		
3 CSR 10-9.351	Conservation Commission.....		27 MoReg 986		
3 CSR 10-9.353	Conservation Commission.....		27 MoReg 986		
3 CSR 10-9.359	Conservation Commission.....		27 MoReg 986		
3 CSR 10-9.425	Conservation Commission.....		27 MoReg 987		
3 CSR 10-9.560	Conservation Commission.....		27 MoReg 987		
3 CSR 10-9.570	Conservation Commission.....	27 MoReg 988			
3 CSR 10-9.575	Conservation Commission.....	27 MoReg 988			
3 CSR 10-9.625	Conservation Commission.....	27 MoReg 988			
3 CSR 10-9.630	Conservation Commission.....	27 MoReg 989R			
3 CSR 10-9.645	Conservation Commission.....	27 MoReg 989			
3 CSR 10-10.743	Conservation Commission.....		27 MoReg 990		
3 CSR 10-11.110	Conservation Commission.....		27 MoReg 990		
3 CSR 10-11.115	Conservation Commission.....		27 MoReg 990		
3 CSR 10-11.125	Conservation Commission.....		27 MoReg 991		
3 CSR 10-11.140	Conservation Commission.....		27 MoReg 991		
3 CSR 10-11.145	Conservation Commission.....		27 MoReg 991		
3 CSR 10-11.150	Conservation Commission.....		27 MoReg 1200		
3 CSR 10-11.155	Conservation Commission.....		27 MoReg 992		
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3 CSR 10-11.180	Conservation Commission.....		27 MoReg 993		
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4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects...		27 MoReg 1251		
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4 CSR 100	Division of Credit Unions.....			27 MoReg 821	
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4 CSR 110-2.131	Missouri Dental Board.....	27 MoReg 549	27 MoReg 554.....	27 MoReg 1217	
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4 CSR 110-2.240	Missouri Dental Board.....		27 MoReg 1257		
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4 CSR 140-2.067	Division of Finance.....		27 MoReg 457.....	27 MoReg 1112	
4 CSR 140-2.070	Division of Finance.....		27 MoReg 458.....	27 MoReg 1112	
4 CSR 140-10.010	Division of Finance.....		27 MoReg 458R.....	27 MoReg 1113R	
4 CSR 140-10.030	Division of Finance.....		27 MoReg 458.....	27 MoReg 1113	
4 CSR 140-11.010	Division of Finance.....		27 MoReg 459R		
4 CSR 140-11.020	Division of Finance.....		27 MoReg 459R		
4 CSR 140-11.030	Division of Finance.....		27 MoReg 459		
4 CSR 140-11.040	Division of Finance.....		27 MoReg 461		
4 CSR 140-12.010	Division of Finance.....		27 MoReg 461.....	27 MoReg 1113	
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4 CSR 140-29.010	Division of Finance.....		27 MoReg 463.....	27 MoReg 1113	
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4 CSR 150-2.040	State Board of Registration for the Healing Arts.....		27 MoReg 860		
4 CSR 150-2.060	State Board of Registration for the Healing Arts.....		27 MoReg 860		
4 CSR 150-2.080	State Board of Registration for the Healing Arts.....		27 MoReg 776		
4 CSR 150-2.155	State Board of Registration for the Healing Arts.....		27 MoReg 861		
4 CSR 150-3.010	State Board of Registration for the Healing Arts.....		27 MoReg 1257		
4 CSR 150-3.020	State Board of Registration for the Healing Arts.....		27 MoReg 1258		
4 CSR 150-3.080	State Board of Registration for the Healing Arts.....		27 MoReg 1258		
4 CSR 150-4.010	State Board of Registration for the Healing Arts.....		27 MoReg 861		
4 CSR 150-4.060	State Board of Registration for the Healing Arts.....		27 MoReg 861		
4 CSR 150-6.050	State Board of Registration for the Healing Arts.....		27 MoReg 862		
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4 CSR 200-4.020	State Board of Nursing.....		27 MoReg 1258		
4 CSR 200-4.030	State Board of Nursing.....		27 MoReg 1261		
4 CSR 205-1.050	Missouri Board of Occupational Therapy.....		27 MoReg 1262		
4 CSR 210-2.010	State Board of Optometry.....		27 MoReg 1265		
4 CSR 210-2.011	State Board of Optometry.....		27 MoReg 1265		
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4 CSR 210-2.070	State Board of Optometry.....		27 MoReg 1266		
4 CSR 210-2.081	State Board of Optometry.....		27 MoReg 1266		
4 CSR 220-2.010	State Board of Pharmacy.....		27 MoReg 1267		
4 CSR 220-2.025	State Board of Pharmacy.....		27 MoReg 1270		
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4 CSR 240-2.117	Public Service Commission.....		27 MoReg 692		
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4 CSR 250-4.020	Missouri Real Estate Commission.....		27 MoReg 1272		
4 CSR 250-4.070	Missouri Real Estate Commission.....		27 MoReg 1272		
4 CSR 250-4.075	Missouri Real Estate Commission.....		27 MoReg 1273		
4 CSR 250-4.080	Missouri Real Estate Commission.....		27 MoReg 1273		
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4 CSR 255-2.050	Missouri Board for Respiratory Care.....		27 MoReg 780		
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4 CSR 265-8.060	Motor Carrier and Railroad Safety.....				26 MoReg 2181
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5 CSR 50-340.050	Division of School Improvement.....		27 MoReg 555R.....	27 MoReg 1114W	
			27 MoReg 555.....	27 MoReg 1114W	
5 CSR 50-340.110	Division of School Improvement.....		27 MoReg 693		
5 CSR 80-800.380	Teacher Quality and Urban Education.....		27 MoReg 559.....	This Issue	
5 CSR 80-850.010	Teacher Quality and Urban Education.....		27 MoReg 694R		
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7 CSR 10-14.030	Missouri Highways and Transportation Commission .....		27 MoReg 312 .....	27 MoReg 1217	
7 CSR 10-14.040	Missouri Highways and Transportation Commission .....		27 MoReg 313 .....	27 MoReg 1218	
7 CSR 10-14.050	Missouri Highways and Transportation Commission .....		27 MoReg 314 .....	27 MoReg 1218	
7 CSR 10-14.060	Missouri Highways and Transportation Commission .....		27 MoReg 315 .....	27 MoReg 1218	
7 CSR 10-23.010	Missouri Highways and Transportation Commission .....		27 MoReg 1002		
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8 CSR 10-5.030	Division of Employment Security .....		27 MoReg 785R		
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9 CSR 10-7.060	Director, Department of Mental Health .....		27 MoReg 787		
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9 CSR 10-7.140	Director, Department of Mental Health .....		27 MoReg 788		
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9 CSR 30-3.120	Certification Standards .....		27 MoReg 790		
9 CSR 30-3.132	Certification Standards .....		27 MoReg 620 .....	27 MoReg 1283	
9 CSR 30-3.140	Certification Standards .....		27 MoReg 790		
9 CSR 30-3.192	Certification Standards .....		27 MoReg 790		
9 CSR 30-3.206	Certification Standards .....		27 MoReg 621 .....	27 MoReg 1283	
9 CSR 45-3.050	Division of Mental Retardation and Developmental Disabilities .....		27 MoReg 622R .....	27 MoReg 1283R	
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities .....	27 MoReg 389 .....	27 MoReg 399 .....	27 MoReg 1218	
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10 CSR 10-2.260	Air Conservation Commission .....		27 MoReg 699		
10 CSR 10-2.280	Air Conservation Commission .....		27 MoReg 1107R		
10 CSR 10-3.060	Air Conservation Commission .....		27 MoReg 699		
10 CSR 10-4.040	Air Conservation Commission .....		27 MoReg 700		
10 CSR 10-5.180	Air Conservation Commission .....		27 MoReg 564		
10 CSR 10-5.320	Air Conservation Commission .....		27 MoReg 1108R		
10 CSR 10-5.380	Air Conservation Commission .....		27 MoReg 1010		
10 CSR 10-6.070	Air Conservation Commission .....		27 MoReg 402 .....	This Issue	
10 CSR 10-6.075	Air Conservation Commission .....		27 MoReg 403 .....	This Issue	
10 CSR 10-6.080	Air Conservation Commission .....		27 MoReg 405 .....	This Issue	
10 CSR 10-6.110	Air Conservation Commission .....		27 MoReg 318 .....	27 MoReg 1219	
10 CSR 10-6.130	Air Conservation Commission .....		27 MoReg 622		
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10 CSR 20-4.023	Clean Water Commission .....		26 MoReg 860		
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10 CSR 25-3.260	Hazardous Waste Management Commission .....		27 MoReg 110 .....	27 MoReg 1115	
10 CSR 25-6.263	Hazardous Waste Management Commission .....		27 MoReg 112 .....	27 MoReg 1115	
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10 CSR 40-10.020	Land Reclamation Commission .....		26 MoReg 1798		
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10 CSR 40-10.050	Land Reclamation Commission .....		26 MoReg 1798		
10 CSR 60-4.050	Public Drinking Water Program .....		27 MoReg 325		
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10 CSR 70-1.010	Soil and Water Districts Commission .....		27 MoReg 247 .....	27 MoReg 1116	
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11 CSR 40-6.060	Division of Fire Safety .....	26 MoReg 857			
11 CSR 45-3.010	Missouri Gaming Commission .....		27 MoReg 865		
11 CSR 45-4.260	Missouri Gaming Commission .....		27 MoReg 405 .....	27 MoReg 1117	
11 CSR 45-5.070	Missouri Gaming Commission .....		27 MoReg 565 .....	27 MoReg 1284	
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[illegible]

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12 CSR 10-2.005	Director of Revenue .....		27 MoReg 791R		
12 CSR 10-2.015	Director of Revenue .....		27 MoReg 707		
12 CSR 10-2.040	Director of Revenue .....		27 MoReg 792R		
12 CSR 10-2.065	Director of Revenue .....		27 MoReg 792R		
12 CSR 10-2.145	Director of Revenue .....		27 MoReg 792R		
12 CSR 10-2.175	Director of Revenue .....		27 MoReg 792R		
12 CSR 10-3.008	Director of Revenue .....		27 MoReg 707R		
12 CSR 10-3.031	Director of Revenue .....		27 MoReg 707R		
12 CSR 10-3.034	Director of Revenue .....		27 MoReg 708R		
12 CSR 10-3.042	Director of Revenue .....		27 MoReg 708R		
12 CSR 10-3.044	Director of Revenue .....		27 MoReg 708R		
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12 CSR 10-3.144	Director of Revenue .....		27 MoReg 709R		
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12 CSR 10-3.233	Director of Revenue .....		27 MoReg 709R		
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12 CSR 10-3.250	Director of Revenue .....		27 MoReg 793R		
12 CSR 10-3.254	Director of Revenue .....		27 MoReg 794R		
12 CSR 10-3.256	Director of Revenue .....		27 MoReg 794R		
12 CSR 10-3.258	Director of Revenue .....		27 MoReg 794R		
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12 CSR 10-3.300	Director of Revenue .....		27 MoReg 795R		
12 CSR 10-8.040	Director of Revenue .....		27 MoReg 710R		
12 CSR 10-8.050	Director of Revenue .....		27 MoReg 710R		
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12 CSR 10-8.070	Director of Revenue .....		27 MoReg 710R		
12 CSR 10-8.080	Director of Revenue .....		27 MoReg 711R		
12 CSR 10-8.090	Director of Revenue .....		27 MoReg 711R		
12 CSR 10-8.100	Director of Revenue .....		27 MoReg 711R		
12 CSR 10-8.110	Director of Revenue .....		27 MoReg 711R		
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12 CSR 10-24.326	Director of Revenue .....	27 MoReg 768	27 MoReg 795	.....	This Issue
12 CSR 10-24.430	Director of Revenue .....		27 MoReg 1280		
12 CSR 10-43.030	Director of Revenue .....		27 MoReg 464	.....	27 MoReg 1117 ..... 27 MoReg 1222
12 CSR 10-102.016	Director of Revenue .....		27 MoReg 712		
12 CSR 10-103.395	Director of Revenue .....		27 MoReg 713		
12 CSR 10-108.700	Director of Revenue .....		27 MoReg 713		
12 CSR 30-3.010	State Tax Commission .....		27 MoReg 1202R		
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12 CSR 30-4.010	State Tax Commission .....		27 MoReg 250		
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13 CSR 15-4.050	Division of Aging .....		27 MoReg 486	.....	27 MoReg 1120
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13 CSR 40-2.140	Division of Family Services .....	27 MoReg 1163	27 MoReg 1203		
13 CSR 40-2.375	Division of Family Services .....	27 MoReg 1164	27 MoReg 1204		
13 CSR 40-30.030	Division of Family Services .....	27 MoReg 1164	27 MoReg 1206		
13 CSR 70-4.090	Division of Medical Services .....	27 MoReg 1165	27 MoReg 1206		
13 CSR 70-10.150	Division of Medical Services .....				27 MoReg 1125
13 CSR 70-15.010	Division of Medical Services .....	27 MoReg 1089	27 MoReg 894		
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13 CSR 70-15.110	Division of Medical Services .....	27 MoReg 1091	27 MoReg 898		
13 CSR 70-15.160	Division of Medical Services .....	27 MoReg 1169	27 MoReg 1213		
13 CSR 70-15.170	Division of Medical Services .....	27 MoReg 1170			
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13 CSR 70-20.032	Division of Medical Services .....	27 MoReg 1171	27 MoReg 1215		
13 CSR 70-20.034	Division of Medical Services .....	27 MoReg 1172	27 MoReg 1216		
13 CSR 70-20.200	Division of Medical Services .....	27 MoReg 963	27 MoReg 1110		
13 CSR 70-20.250	Division of Medical Services .....	27 MoReg 963	27 MoReg 1111		
13 CSR 70-20.320	Division of Medical Services .....	27 MoReg 1173	.....		This Issue
13 CSR 70-35.010	Division of Medical Services .....	27 MoReg 1174	.....		This Issue
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16 CSR 50-10.010	The County Employees' Retirement Fund .....		27 MoReg 900		
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16 CSR 50-10.070	The County Employees' Retirement Fund.....		27 MoReg 903		
16 CSR 50-20.030	The County Employees' Retirement Fund.....		27 MoReg 903		
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16 CSR 50-20.070	The County Employees' Retirement Fund.....		27 MoReg 904		
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17 CSR 10-2.040	Kansas City Board of Police Commissioners .....				27 MoReg 1288S
17 CSR 20-2.015	St. Louis Board of Police Commissioners .....	27 MoReg 466.....	27 MoReg 1118		
17 CSR 20-2.025	St. Louis Board of Police Commissioners .....	27 MoReg 467.....	27 MoReg 1118		
17 CSR 20-2.035	St. Louis Board of Police Commissioners .....	27 MoReg 467.....	27 MoReg 1118		
17 CSR 20-2.045	St. Louis Board of Police Commissioners .....	27 MoReg 469.....	27 MoReg 1118		
17 CSR 20-2.055	St. Louis Board of Police Commissioners .....	27 MoReg 469.....	27 MoReg 1118		
17 CSR 20-2.065	St. Louis Board of Police Commissioners .....	27 MoReg 470.....	27 MoReg 1118		
17 CSR 20-2.075	St. Louis Board of Police Commissioners .....	27 MoReg 270.....	27 MoReg 1119		
17 CSR 20-2.085	St. Louis Board of Police Commissioners .....	27 MoReg 471.....	27 MoReg 1119		
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17 CSR 20-2.105	St. Louis Board of Police Commissioners .....	27 MoReg 472.....	27 MoReg 1119		
17 CSR 20-2.115	St. Louis Board of Police Commissioners .....	27 MoReg 474.....	27 MoReg 1119		
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19 CSR 10-3.030	Office of the Director .....	27 MoReg 801R			
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19 CSR 10-4.010	Office of the Director .....	27 MoReg 478R.....	27 MoReg 1220R		
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19 CSR 10-4.050	Office of the Director .....	27 MoReg 482.....	27 MoReg 1120		
19 CSR 15-4.050	Division of Senior Services .....	27 MoReg 486.....	27 MoReg 1120		
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19 CSR 20-20.040	Division of Environmental Health and Communicable Disease Prevention.....	27 MoReg 1178 .....	27 MoReg 1216		
19 CSR 20-26.050	Division of Environmental Health and Communicable Disease Prevention.....	27 MoReg 964 .....	27 MoReg 1032		
19 CSR 20-26.060	Division of Environmental Health and Communicable Disease Prevention.....	27 MoReg 964 .....	27 MoReg 1032		
19 CSR 25-36.010	Division of Administration .....		27 MoReg 805		
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 13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services  
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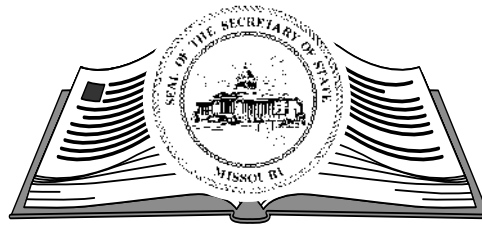
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## **Rulemaking Tip # 6**

**When amending a rule, remember. . .  
old text is always  
bracketed before new text  
is printed in bold.**

**Office of the Secretary of State**

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8/15/02

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